11493
SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

MONDAY, MAY 23, 2005

8:30 A.M.

(PAGES 11493 THROUGH 11539)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter 11493

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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index.

DEFENDANT’S
WITNESSES DIRECT CROSS REDIRECT RECROSS
GOMEZ, Maria
(Re-called) 11497-SA 11503-SN 11508-SA
RADAKOVICH, Mike 11512-SA 11530-A

1 E X H I B I T S
2 FOR IN DEFENDANT'S NO. DESCRIPTION I.D. EVID.
3 5097 Washington Mutual Bank
4 statement, 12-22-00 through 1-25-01 11513 11525
5 5098 Washington Mutual Bank
6 Check payable to Hollywood Ford 11513 11525
7 5099 Check from Michael Alder
8 payable to Janet Arvizo 11519 11525
9 5100 1-2-03 City of Los Angeles check payable to
10 Janet Arvizo 11522 11525
11 5101 $637 check dated 1-2-03 payable to Raymond
12 Trujillo from Jay D. Jackson 11522 11525
13 5102 2-15-03 City of Los
14 Angeles check payable to Janet Arvizo 11522 11525
15 5103 2-25-03 check payable to
16 Raymond Trujillo from Jay D. Jackson 11522 11525
17 5104 3-17-03 City of Los
18 Angeles check payable to Janet Arvizo 11522 11525
19 5105 Analysis of certain
20 financial transactions of Arvizo family, June 15,
21 2000, to present 11512
22
23
24
25
26
27
28 11496

Santa Maria, California
Monday, May 23, 2005
8:30 a.m.

THE COURT: Good morning, everyone.
THE JURY: (In unison) Good morning.
COUNSEL AT COUNSEL TABLE: (In unison)
Good morning, Your Honor.
THE COURT: Call your next witness, please.
MR. SANGER: We would call Maria Gomez back to the stand, please.
THE COURT: All right. Come forward to the witness stand. You're still under oath, so when you get to the witness stand, you may be seated.
MR. SANGER: May I proceed, Your Honor?
THE COURT: You may.

MARIA GOMEZ
Having been previously sworn, resumed the stand and testified further as follows:

DIRECT EXAMINATION
BY MR. SANGER:
Q. Okay. Miss Gomez, we've called you back to the stand to ask you more questions. First of all, did you participate in a test of the bells at Neverland outside Mr. Jackson's private suite?
A. Yes. 11497

Q. And first of all, remind us how long you've worked out there at Neverland.
A. I have worked there nearly 11 years.
Q. And when was the first time you went down that hallway and heard the bells go off?
A. When the first time was?
Q. Sure. About how many months or years ago was that when you first heard those bells go off?
A. Oh, many years ago.
Q. Okay. And it would have been before February of 2003; is that correct?
A. Yes.
Q. Okay. And has the -- excuse me one second. At the time you did this alarm test, or this -- let me withdraw that, I'm sorry. At the time you did this test with Mr. Nimmer where you walked in and out, do you remember that?
A. Yes, that was about, I don't know exactly, but just a few days ago.
Q. Okay. Sometime this year, correct?
A. Yes.
Q. When you heard the bells at that time, is that what the bells have always sounded like over the last few years?
A. Yes.
MR. SANGER: Your Honor, I'd like to have permission to play the -- Exhibit 5096. It's the short one, if that's all right. 11498

THE COURT: All right.
MR. SANGER: I can't find the remote control. Do you see it?
Oh, here it is. Thank you.
Q. Miss Gomez, we're going to play 5096 and I'm just going to ask you to watch it and see if you recognize yourself in there and recognize what was going on, and then I'm going to ask you some questions about it after it's over, okay?
A. Fine.
(Whereupon, a portion of a DVD, Defendant's Exhibit 5096, was played for the Court and jury.)
MR. SANGER: With the Court's permission, I'm going to stop it after the first test to ask some questions.
THE COURT: All right.
Q. BY MR. SANGER: Okay. Miss Gomez, you recognize yourself in that film?
A. Yes.
Q. All right. And you remember Mr. Nimmer, the man who was shooting this?
A. Yes.
Q. What were you asked to do in that particular test?
A. I was supposed to walk outside to a -- like a hallway that's right in front of the house, and that I should walk all the way in to the room, passing by the doors. I had to punch in the code 11499

and then I could open the door.
Q. Okay. So when you -- when you went out, you went all the way down the hallway to the end of the hallway that's near the front door; is that right?
A. Yes. Outside of the house, yes.
Q. All right. So did you actually go out of the hallway into the front door area?
A. Yes.
Q. Now, do you know anything about the technology of how this alarm system is set up?
A. No. No, I don't know anything about that.
Q. Is there some point when you're walking down the hall that it makes the bell ring?
A. Yes, when you reach about halfway down the hallway, it begins to ring.
Q. All right. And then it continues to ring for a number of rings; is that right?
A. It will stop for a few moments and then when you arrive at the door, I don't know if it's stepping into the lift or -- it begins again.
Q. All right. Now, the sound that you heard on that tape, is that the sound of the alarm that you have heard for the last few years?
A. Yes.
Q. Are there any changes to it that you know of?
A. No.
MR. SANGER: All right. I'm going to resume 11500

playing this, if it's all right, Your Honor.
THE COURT: Yes.
(Whereupon, a portion of a DVD, Defendant's Exhibit 5096, was played for the Court and jury.)
MR. SANGER: Let me just pause it right there.
Q. There's a door down at the bottom of the stairway there.
A. Yes.
Q. All right. And the door appears to be open right now; is that correct?
A. Yes.
Q. Okay. Did you do a test where you left that door open?
A. Once.
Q. Okay. And then the second time you closed the door; is that right?
A. When I went out, I closed it.
MR. SANGER: All right. And I'm going to resume playing.
(Whereupon, a portion of a DVD, Defendant's Exhibit 5096, was played for the Court and jury.)
Q. BY MR. SANGER: Okay. I'm going to pause it right there on the blank screen.
And for that test, you went down the stairs, correct?
A. Yes.
Q. You went out the door, we could see, at the 11501

bottom of the stairs?
A. Yes.
Q. And then you went out the main door to Mr. Jackson's suite?
A. Yes, it's all in the same process. I went all the way out.
Q. So then you went all the way down the hall, out the end of the hall, turned around and walked back; is that right?
A. Yes.
Q. All right. And you could hear the bell in that tape, correct?
A. Yes.
Q. Okay. And that's the same bell that you've heard for years; is that right?
A. It's the same -- it's the same bell.
MR. SANGER: All right. Okay. And then we'll resume, if we may.
(Whereupon, a portion of a DVD, Defendant's Exhibit 5096, was played for the Court and jury.)
MR. SANGER: All right. Thank you.
Q. On that last test, you did the very same thing that you did the time before except you closed the door at the bottom; is that right?
A. Yes, that's the only different thing.
Q. All right. And let me ask you, did you do this a whole bunch of times or did you just do it these three times? 11502

A. I did it, not very many times, but....
Q. So when -- I'm talking about when they filmed it. Did Mr. Nimmer film it more than three times or he just had you do the three tests and he filmed what you did?
A. He filmed it -- well, the first one he did it once, the first time. And then the other times, like when I went up to the room, since he did two different tests, perhaps he taped more than one.
Q. Okay. So he did the first one, the second one and the third one?
A. Yes. Yes.
MR. SANGER: All right. Okay. I have no further questions. Thank you.

CROSS-EXAMINATION
BY MR. SNEDDON:
Q. Good morning.
A. Good morning.
Q. How many times did you go up and down the stairs?
A. I cannot recall, but at that I did do more. Three or four times.
Q. So we saw two times on the film, correct?
A. Yes.
Q. But there were other times that did not appear on the film?
A. Maybe one or two times, I believe. 11503

Q. In each time you walked out of the doors of the room, you walked all the way to the end of the hallway, correct?
A. Yes.
Q. And then you turned around -- you went through the doors, correct?
A. Yes.
Q. And you turned around and came right back, correct?
A. Yes.
Q. So in each of the occasions that we saw on the film, you did exactly the same thing?
A. In the first -- the first test, I just got to the point and then returned. And then when I went up the stairs to the room, I waited -- I counted to about 15 and then I repeated the process. I came back.
Q. And where was it that you counted to 15?
A. In front of the main doorway.
Q. So you go all the way out, count to 15, and then come back?
A. Yes.
Q. The chimes that go off, you can hear them when you go through the first door to begin your route down the hallway, correct?
A. What do you mean, when you're just about to go in?
Q. Okay. You're outside of the hallway to Mr. 11504

Jackson's room, near the entrance of the front door of the house, correct?
A. I am inside the house by the doorway to the main residence.
Q. Correct. And you're going to go through the first set of doors heading towards Mr. Jackson's bedroom?
A. Yes.
Q. And when you go through those doors the bells, the chimes, go off, correct?
A. When you reach about halfway down the hall.
Q. And then they stop -- well, and then the second set of chimes goes off right before you get to Mr. Jackson's door to his bedroom?
A. When you go in the doorway, the door to his room, then they begin to sound.
Q. For the second time?
A. Yes. I don't know if it's because you're standing by the lift or when you press the code or what it is.
Q. Now, during the year -- during the time of February and March of 2003, were you responsible for cleaning Mr. Jackson's room?
A. No.
Q. During February and March of 2003, did you go into Mr. Jackson's room for any reason?
A. No.
Q. In -- were you at work the day that the 11505

sheriff's deputies came to the ranch and executed
the search warrant?
A. Yes.
Q. And that was November of 2003, correct?
A. Yes.
Q. And at that time were you responsible for
cleaning Mr. Jackson's room?
A. No.
Q. Had you gone into Mr. Jackson's room during
2003 at all?
A. No.
Q. In 2004, the next year - okay? --
A. Yes.
Q. -- were you responsible for cleaning Mr.
Jackson's room at that time?
A. I have never been in that position.
Q. And during 2004, did you ever go into Mr.
Jackson's bedroom?
A. Perhaps.
Q. Do you remember -- let's go back to 2003.
Do you remember during 2003 whether both of those
chimes were working?
A. Yes.
Q. And if you didn't go into Mr. Jackson's
bedroom during that time, what were you doing going
down the hallway?
MR. SANGER: Objection. Argumentative as
phrased. 11506

THE COURT: Overruled.
You may answer.
THE WITNESS: Could you repeat that again?
Q. BY MR. SNEDDON: Yes. You told the jury that during 2003, you did not go into Mr. Jackson's bedroom.
A. Yes.
Q. And I'm asking you, if you did not go into his bedroom, why would you be in the hallway leading to his bedroom?
A. There is a bathroom in that hallway.
Q. Okay.
A. And that hallway is our responsibility to clean. And then -- and then when one is walking in that hallway, you will hear the chimes.
Q. Okay. That's what I wanted to get to.
Now, during 2003 you did clean that bathroom, correct?
A. Yes.
Q. And when you do that, the alarm only goes off once, correct, when you go through the first set of doors?
MR. SANGER: Objection. Misstates the evidence and compound.
THE COURT: Overruled.
THE WITNESS: It -- it rings -- I don't know. It will ring and then it stops.
Q. BY MR. SNEDDON: During 2003, in November, 11507

when the sheriff's deputies came to Mr. Jackson's ranch, is it your testimony that the alarm through the first set of doors was working?
A. Yes.
Q. And in December of 2004, do you recall sheriff's deputies coming back to Mr. Jackson's main residence on another occasion?
A. Yes.
Q. And you were there?
A. Yes.
Q. And is it your testimony that the chimes at the first set of doors were working during December of 2004?
A. Yes.
MR. SNEDDON: All right. Nothing further.

REDIRECT EXAMINATION
BY MR. SANGER:
Q. I believe you said that the alarm goes off the first time when you're just about the middle of the hallway; is that correct?
A. Yes.
Q. And this is a hallway that has a lot of stuff in it; is that right?
A. Yes.
Q. Okay. And you need to dust and clean in there; is that correct?
A. Yes, we are responsible for that place. 11508

Q. All right. So aside from the bathroom that's off that hallway, you need to go down the hallway to Mr. Jackson's door and dust and do things, right?
A. Yes.
Q. So the alarm that we heard is the same alarm that you've heard for years in that hallway; is that right?
A. Yes.
Q. Okay. And you were just asked by Mr. Nimmer to help him by walking, right?
A. Yes.
Q. This was not your idea to be in this, was it?
A. Oh, no. No, no.
MR. SANGER: All right. Your Honor, what I'd like to do is play Exhibit 345, which is already in evidence, and this was the People's version of the alarm that they taped on November 18, 2003.
THE COURT: All right.
MR. SANGER: If I may play that. I'm going to play that in one second, and when I do, I'm simply going to ask that you watch this and then -- I'll play this one all the way through. It's very short. And when we get through playing it, then I'll ask you a few questions about it, okay? And I don't believe you were there at the time, so I'm just going to ask you to watch it. 11509

(Whereupon, a DVD, Plaintiff's Exhibit 345, was played for the Court and jury.)

Q. BY MR. SANGER: Okay. Now, that's a very short film there, and we don't know exactly where the cameraman was on that picture. Did you hear a bell in that?

A. Yes.

Q. Was that the first bell or the second bell; do you know?

A. The second bell.

Q. All right. So the first bell would have already gone off from somebody going through the middle of the hallway?

MR. SNEDDON: Object. Calls for a conclusion and speculation as to that point in time.

THE COURT: Sustained.

Q. BY MR. SANGER: All right. Did you hear the bell that goes off when you go through the middle of the hallway in that tape?

A. I wasn't present at that time.

MR. SANGER: Okay. All right. Okay. I have no further questions.

MR. SNEDDON: No questions, Your Honor.

THE COURT: All right. Thank you. You may step down.

Call your next witness.

MR. SANGER: Can I just have one second, Your Honor? 11510

(Off-the-record discussion held at counsel table.)
MR. AUCHINCLOSS: May we approach, Your Honor?
THE COURT: Yes.
(Discussion held off the record at sidebar.)
MR. SANGER: All right. My apologies, Your Honor. As the Court knows, we're all getting down to the end here, so we've got a few details to work out.
We would call Mr. Radakovich, whose name I probably mispronounced. I apologize in advance.
THE COURT: Come forward, please. When you get to the witness stand, please remain standing. Face the clerk over here, raise your right hand.

MIKE RADAKOVICH
Having been sworn, testified as follows:

THE WITNESS: Yes, I do.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: My name is Mike Radakovich. R-a-d-a-k-o-v-i-c-h.
THE CLERK: Thank you.
//
// 11511

1 DIRECT EXAMINATION
2 BY MR. SANGER:
3 Q. Okay. I did mispronounce your name, but you
4 weren't in the room so you didn't hear it.
5 Mr. Radakovich, what do you do for a living?
6 A. I'm a certified public accountant.
7 Q. How long have you done that?
8 A. Around 30 years.
9 Q. All right. And where do you have your
10 office?
11 A. In San Luis Obispo, California.
12 Q. And do you work in this area, in the Santa
13 Maria area as well?
14 A. Yes, I've testified both in Santa Maria and
15 San Luis Obispo County.
16 Q. In addition to doing forensic work, which is
17 testifying in court, do you do ordinary CPA-type
18 duties?
19 A. Yes, I do.
20 MR. SANGER: All right. I'm going to --
21 maybe I should have this marked first, Your Honor,
22 as defense next in order. I'm going to ask that a
23 chart, an analysis chart, be marked, and my guess is
24 that would be 5105.
25 May I approach, Your Honor?
26 THE COURT: Yes.
27 Q. BY MR. SANGER: I'm going to -- I'm going to
28 show you 5105 for identification and ask you if you 11512

prepared that chart?
A. Yes, I did.
Q. And did you prepare that chart after reviewing certain documents?
A. Yes, I did.
Q. All right. Now, I'm going to show you what's been marked for identification as 5097, which appears to be a Washington Mutual Bank statement, and also 5098, which appears to be a Washington Mutual Bank copy of a cashier's check.
May I approach for that purpose?
MR. AUCHINCLOSS: Can I see that?
MR. SANGER: Yeah.
Q. Okay. Now I'm showing you those two documents.
And for the record, Your Honor, those have been retrieved from subpoenaed documents from Washington National Bank. I believe counsel's indicated they have no objection to the foundation as being subpoenaed business records.
MR. AUCHINCLOSS: That's correct.
Q. BY MR. SANGER: Okay. Were those two of the documents that you looked at in the course of preparing your analysis sheet?
A. Yes, it was.
Q. Now, on your analysis sheet, there are two entries at the very beginning that indicate "Date" and "Source," and the "Source" on those first two 11513

entries are “Louise Palanker” and the amounts on those two entries are $10,000 apiece. Do you see those?
A. That is correct.
Q. And you reviewed copies of those checks; is that correct?
A. Yes, I did.
Q. And you put those on your analysis sheet, correct?
A. Correct. Those are two checks. One was written to Ms. Janet Arvizo and one was to Mr. David Arvizo.
MR. AUCHINCLOSS: Your Honor, I’m going to object to statements being read from this report and --
BAILIFF CORTEZ: Can’t hear you, sir.
MR. AUCHINCLOSS: I’m going to object to statements being read into the record from this report, as well as referencing this document as an analysis before there is some foundation laid as to its admissibility on the basis of hearsay, authentication and relevance.
MR. SANGER: I don’t think I asked him, Your Honor, to read from the report. I just asked him if he made an entry as to two checks.
MR. AUCHINCLOSS: I believe counsel has already read the first two entries to the witness.
THE COURT: So I think what -- your objection 11514

is that the items are not in evidence yet?
MR. AUCHINCLOSS: They're not in evidence and no foundation has been laid.
MR. SANGER: Your Honor, I believe they are in evidence. I believe these were admitted in evidence by the prosecution some time ago.
THE COURT: What number?
MR. AUCHINCLOSS: I'm not referring to the items. I'm referring to this document that counsel is reading from. My foundation and hearsay --
THE COURT: That's the question. What I need to know is are they in evidence.
MR. SANGER: The two Palanker checks are in evidence, Your Honor. And I know you're going to ask me the number and I don't have the number off the top of my head.
THE COURT: That's all right. Do both sides agree they're in evidence?
MR. AUCHINCLOSS: Yes, I believe those two documents are in evidence, those two checks.
THE COURT: Your objection is overruled.
Q. BY MR. SANGER: So now we go down to -- so, before we go down there, as to those two checks, did you simply record, from the information on the checks, the date, the source, the amount, and a brief description?
A. Yes, sir.
Q. All right. Now we're going to go down to 11515

the next lines and we'll try to take these all at once. They would be the next five lines. And those appear to be references to deposits in the Washington Mutual account.
A. Yes, those are the same deposits that appear on this bank statement that you handed me, Exhibit No. 5097, as being deposits into that Washington Mutual account.
Q. So 5097 appears to be a bank statement; is that correct?
A. Yes, sir.
Q. And that bank statement is from what bank?
A. Washington Mutual Bank.
Q. And who is the account holder?
A. The name at the top of the statement is Janet Arvizo, FBO Gavin Anton Arvizo.
Q. What does FBO mean?
A. My understanding, that's "for the benefit of."
Q. That's an account that Janet Arvizo -- under ordinary banking practices, Janet Arvizo would have the ability to sign on and she is putting it in the form that it's for the benefit of somebody else; is that right?
A. Yes, sir.
Q. All right. Now, from that exhibit, 50 -- which exhibit was that? 5097?
A. The bank statement is 5097, yes. 11516

Q. Yeah. From 5097, did you record the date of the various deposits?
A. Yes, sir. Those appear in the column headed "Date."
Q. And then we'll skip "Source" for a second. Under "amount," you indicated the amounts that were deposited into the account; is that correct?
A. Yes, sir.
Q. And then you have, under "Description," "Deposit into" that particular bank account number, "Janet Arvizo, FBO Gavin Anton Arvizo," correct?
A. Yes, sir.
Q. All right. Now, the source says, "Fund-raiser." Were you asked to assume that there had been testimony in this case that moneys were deposited in that account from fund-raisers?
A. Yes, that was my assumption.
Q. Okay. So between that assumption and what you saw on Exhibit 5097, the next five entries would be correct; is that right?
A. Yes, sir.
MR. AUCHINCLOSS: I'm going to object to foundation as to the source and assumptions made by the witness regarding specifics -- specific sources for these five deposits. I don't think there's been any testimony concerning those specific deposits and the sources.
MR. SANGER: Your Honor? 11517

THE COURT: Yes.
MR. SANGER: There was testimony that this account was set up by Janet Arvizo; that she had set up an account and she admitted on cross-examination that the money had gone in and she had withdrawn it all.
So this is an expert witness -- although his expertise for the purposes of this is very limited, but he's an expert witness who's being asked to simply organize these facts. And I asked him to assume hypothetically that there had been proof that this money came from a fund-raiser, which is consistent with prior testimony.
MR. AUCHINCLOSS: And that is a matter of contention.
THE COURT: As to whether it came from the prior testimony or not?
MR. AUCHINCLOSS: Yes, and the specific source for these deposits on these individual dates.
THE COURT: Well, I'll allow the witness to make that assumption.
(To the jury) It goes back to an instruction I gave you a long time ago, it seems now, about hypothetical questions. Remember that? It was a short instruction, but basically it tells you that when a hypothetical question is proposed to a witness or propounded to a witness, the jury, the fact finder, still has to determine whether or not 11518

the underlying hypotheticals are proven or not, when you consider this witness's testimony.
So I'll just remind you of that instruction, and allow the attorney to proceed with this line, making it clear that you're --
Use the word "hypothetical," if you would, so that the jury understands that, and then I'll -- based on that, I'll overrule the prosecution's objection.
Q. BY MR. SANGER: All right. So other than the characterization of "Fund-raiser" on those next five lines, the rest you simply recorded from the documents, from the Washington Mutual records, correct?
A. That is correct.
Q. All right. Now, I'm going to show you 5099 for identification.
If I may approach, Your Honor.
THE COURT: You may.
Q. BY MR. SANGER: 5099 is a copy of a check; is that correct?
A. Yes, sir.
MR. SANGER: And, Your Honor, that also comes from the materials that were business records that were subpoenaed, and there's a stipulation as to the foundation.
Q. As to 5099, did you record on the next line of your analysis the date that that check was 11519

written?
A. I recorded the date it was deposited. It was actually written on November 2nd.
Q. All right. And it was deposited November 5?
A. Yes, sir.
Q. And that was 2001; is that correct?
A. Yes, sir.
Q. The source is Michael Adler?
A. Yes, Michael Adler.
Q. And it looks like it says “Alder” here.
A. It is -- it’s hard to read a copy of the copy, but I think it is Alder. A-l-d-e-r.
Q. And then the amount is $32,308; is that correct?
A. Yes.
Q. And that amount was deposited in that same account; is that correct?
A. That’s correct.
Q. All right. Now, there’s a notation, “J.C. Penney lawsuit.” Do you see that under “Description”?
A. Yes, that’s under the “Description,” “J.C. Penney lawsuit.” On the check itself it says, under “Memo,” “Arvizo settlement.”
Q. All right. And were you asked to assume that there had been testimony -- for the purpose of a hypothetical for the entry of this material on your analysis, that there had been testimony that 11520

the settlement source was a J.C. Penney lawsuit?
A. Yes, sir.
Q. All right. Now, I'm going to ask you to look at 5098, which is a document dated November 9, 2001; is that correct?
A. Yes.
Q. And what does that appear to represent?
A. About four days after the $32,000 is deposited, Ms. Arvizo withdraws $29,000 from the same account, and it's made into a money order payable to Hollywood Ford.
Q. All right. Now, could you determine that on November 9, 2001, Janet Arvizo withdrew $29,000, approximately, from her Washington Mutual Bank account?
A. I see that same amount clearing the bank after this check is drawn.
Q. All right. So you determined that from the Washington Mutual Bank account records; is that correct?
A. Yes, sir.
Q. All right. And then the actual document that you have in front of you is a -- what appears to be a cashier's -- a copy of a cashier's check; is that correct?
A. Yes.
Q. Now, do you know if that cashier's check actually was cashed by Hollywood Ford? 11521

A. I do not know where it was cashed. I do know that there's a withdrawal from the bank around that time for $29,000.
Q. All right. And is there any indication that $29,000 went back into the account?
A. I never saw it go back into the account.
Q. All right. Now, the next line under the analysis is December 2001 --
A. Yes, sir.
Q. -- is that correct?
Were you asked for the purpose of preparing this analysis to assume that Azja Pryor had testified in this court that she had given $600 to Janet Arvizo in December of 2001?
A. That's the assumption that I've made, yes.
Q. And -- okay. And I'm sorry, I couldn't help overhearing Mr. Sneddon, so I apologize, but it was a stage whisper.
Whether it's cash or a cashier's check, were you asked to assume that money was given to Azja Pryor?
A. I assumed money was given to Azja Pryor.
Q. You assume that because you were asked to assume that, for the purpose of preparing this, correct?
A. Yes, sir.
Q. All right. Now, if -- we're going to skip -- no, we aren't. We're going to go from 11522

January 2 through March 17, and I'm going to show you a series of checks and these checks are Nos. 5100 through 5104.

May I approach, Your Honor?

THE COURT: Yes.

MR. SANGER: Thank you.

Q. I'm showing you 5100 through 5104. Those are documents that came from the bank records that have been subpoenaed of Jay Jackson, and I'm going to ask you if you reviewed those for the purpose of preparing this analysis?

A. Yes, I did. They are listed on my schedule.

Q. And is the information listed on the schedule the information that comes directly off of all of those checks?

A. Yes, sir.

MR. AUCHINCLOSS: Could we have the actual exhibit numbers traced to the individual exhibits?

MR. SANGER: Sure. So 5100 would be the January 2 welfare check of $769; is that correct?

A. That is correct.

Q. And that was deposited into Jay Jackson's Bank of America account; is that correct?

A. Yes, it was.

Q. And then 5101 was the same date, January 2, 2003, and that's a check from Jay Jackson to Raymond Trujillo, rent for Soto Street apartment.

A. That is correct. 11523

Q. And then 5102 is a February 24 welfare check for $769, and that was deposited in Jay Jackson's Bank of America account?
A. Actually, the check is February 15th. I think it was deposited February 24th.
Q. Okay. So the date of the check is the 15th, deposited February 24th?
A. That is correct.
Q. All right. And there's a notation that apparently somebody switched the numbers around at the bank, and they had to correct that error?
A. Yeah. Being an accountant, it's not unusual to transpose numbers. And when it was first deposited, it was deposited as $796, and the bank caught that. And so when it first -- it shows up as a deposit on his bank deposit as $796, and Bank of America catches it and takes $27 back out of the account.
Q. All right. So the bottom line -- aside from all that accounting business within the bank, the bottom line is the welfare check of $769 was deposited into Jay Jackson's Bank of America account, correct?
A. That is correct.
Q. And the next one is 5103, and that's a check from Jay Jackson of $425, a rent payment to Raymond Trujillo for the Soto Street apartment; is that correct? 11524

A. That is correct.
Q. And the last one, 5104, appears to be a welfare check; is that correct?
A. Yes, dated March 17th, 2003.
Q. And that's for $769?
A. Yes, it is.
Q. And that appears to have been cashed by Janet Arvizo?
A. It's hard to read, but I -- it looks like it's her signature.
MR. SANGER: All right. Okay. Your Honor, we would move into evidence 5097 through 5104, which are those documents as exhibit records from the various accounts.
MR. AUCHINCLOSS: No objection.
THE COURT: They're admitted.
Q. BY MR. SANGER: Now, looking at your analysis for the moment, or back to that, the last five entries are entries for which you did not have specific documentation; is that correct?
A. Correct. Except for the February 6th through March 12th, I did review what I referred to as Exhibits 414 and 416.
Q. All right. Well, let's start with that. Did you have an occasion to look at court exhibits 414 and 416?
A. Yes, sir.
Q. And what did those appear to be? 11525

A. They appeared to be expense -- I guess you'd call them expense reports that showed various expenses being made and the notation on those was for Janet Arvizo.
Q. All right. And who -- whose bank account -- what was the name -- I'm sorry, let me withdraw that.
What was the name of the entity for which this expense report was prepared?
A. It was my understanding it was Neverland Valley Entertainment.
Q. All right. Now, were you able to come up with a precise number as to how much money had been expended on behalf of Janet Arvizo or her children as opposed to expended indirectly on her behalf in some other fashion?
A. No, I was not, but it appeared to be several thousand dollars.
Q. All right. And were you asked to assume for the purpose of preparing this chart that there was testimony in this court indicating that several thousand dollars had been spent on behalf of Janet Arvizo and her children during this period of time?
A. Yes.
Q. All right. So under the "Amount," rather than putting an exact dollar amount, you just put "Several Thousand Dollars"; right?
A. That's correct. 11526

Q. Was your purpose to come up with a bottom line that was going to be computed?
A. No.
Q. It was just to record these various transactions so we'd have them all in one place; is that right?
A. Yes, sir.
Q. All right. And then February -- the next line is February 5th to February 24th, 2003. And this says, "Source," "Michael Jackson."
Were you asked to assume, for the purpose of preparing this, that there had been testimony that money had been expended on behalf of Janet Arvizo and her children for a trip to Miami, body wax, children's braces, lodging, travel, food expenses and so on?
A. Yes, sir.
Q. You indicated in the "Amount" column "Several Thousand Dollars," correct?
A. Yes, sir.
Q. Once again, did you have any ability to do an accounting as to what Mr. Jackson expended on behalf of these particular individuals?
A. No, sir.
Q. Okay. All right. And then I see there's actually maybe a typo here. The next line is February 7 to March 12th, 2003. There's an indication, "Several Thousand Dollars," "Living 11527

1 Expenses at Neverland Ranch"?
2 A. Yes, sir.
3 Q. All right. And it says, for some reason,
4 "MJ Sounds" and I have no idea why it says "Sounds"
5 there. Why don't we just strike that word out.
6 A. That's fine.
7 Q. Was it -- were you asked to assume there had
8 been testimony that this family had been living at
9 the Neverland Ranch, the previous one was living
10 elsewhere and other expenses for them, but this line
11 being living expenses while they're at Neverland
12 Ranch?
13 A. That is correct.
14 Q. All right. And again, you didn't know how
15 much so you put "Several Thousand Dollars"; is that
16 correct?
17 A. That is correct.
18 Q. Now, the next line is February 20, 2003, and
19 you indicated "Hamid Moslehi," and the total amount
20 of $2,000, and "Description," "Cash."
21 Were you asked to assume that there was
22 testimony in this trial that Hamid Moslehi had given
23 Janet Arvizo $2,000 in cash on February 20th?
24 A. Yes, I was.
25 Q. And were you asked to assume whether that
26 was a loan or a gift or anything else or just that
27 it was $2,000?
28 A. I assumed that he received $2,000 -- or the 11528

Arvizo family received $2,000 from that gentleman.
Q. All right. And then the last entry is November 2 to present. It says “Source” is Jay Jackson. “Amount” is “Unknown.”
Were you asked to assume that there had been testimony from Gavin and from Jay Jackson that Janet Arvizo had been living with Jay Jackson off and on from November 2002 to the present?
A. That is correct.
Q. And so you’ve indicated there would be some sort of lodging and use of an automobile based on the assumptions that we asked you to make; is that correct?
A. Yes, sir.
Q. All right. Based on all of that, is this chart now a fair and accurate depiction of what you have just testified to, that is, the documents you received and looked at, and also the assumptions you were asked to make from the prior testimony?
A. That is correct.
MR. SANGER: Your Honor, I would move into evidence Exhibit 5105.
MR. AUCHINCLOSS: I’d object to the admission of that evidence, Your Honor. I’d like to take the witness on voir dire.
BAILIFF CORTEZ: Microphone’s off again, sir.
THE COURT: I’ll -- I won’t rule on the 11529

admissibility until after your cross-examination.
MR. AUCHINCLOSS: All right.
MR. SANGER: I was going to request to publish it so I could just show it to the jury, but I'll hold off, if that's all right, if I would be allowed to do that after Mr. Auchincloss concludes his cross, assuming it's admitted.
THE COURT: I'm going to hold off on the ruling until he examines. We could do it by voir dire or cross, but I think it's better just to do it by cross.
MR. SANGER: With that exception, I would like to put this up if it's admitted later. I'll defer to Mr. Auchincloss.
THE COURT: All right.

CROSS-EXAMINATION
BY MR. AUCHINCLOSS:
Q. Good morning, Mr. Radakovich.
A. Yes, sir.
Q. Did I pronounce that correctly?
A. Perfectly.
Q. All right. I'm looking at Exhibit 5105 and I'm going to go through that with you somewhat quickly, but I want to focus on the items for which you do not have any evidence before you. There's several things you were asked to assume in this document and I want to talk about those, first of 11530

all.
Beginning at the top of this document, you have a June 15th, 2000, entry from Louise Palanker, $10,000, check to Janet Arvizo. Have you seen that check, first of all?
A. Yes, I have.
Q. Do you know if Janet Arvizo actually received, personally received, that $10,000?
A. I saw a signature that appeared to be her signature on the back of it, cashing it. I don't know what happened to the funds.
Q. Okay. How about the check to David Arvizo, the next entry, July 10th? Can you tell us whether or not Janet Arvizo actually received that $10,000?
A. The check was made out to David Arvizo.
Q. Okay.
A. And it looked -- I've never seen his signature before to compare, because that was the only document that his signature was on, but it looked like he cashed it.
Q. Okay. But you have no evidence to lead you to believe or conclude that Janet Arvizo received that $10,000?
A. No, sir.
Q. Now, what were you specifically asked to do in preparing this document, Exhibit 5105?
A. Well, to look at particular transactions, and to basically list the pieces of information from 11531

those documents in the order that shows up on the schedule.
Q. Was the idea here to create a list of income that Janet Arvizo received between the dates of, let's say, June 15th, 2000, and I guess March 12th, 2003, over those three years?
A. Not to list any income. Just to show the transactions.
Q. Okay. Just to show a list of transactions?
A. That is correct.
Q. Was there any guidance as far as what transactions you were going to put in this list?
A. I was provided, I'm going to call it a book of evidence, an evidence book, that had various checks. Some of which are in evidence here, additional ones that I don't know if they're in evidence or not in evidence as those checks from Louise Palanker. I was given those documents.
Q. You were given a book of documents?
A. Yes, sir.
Q. Who gave you the book of documents?
A. Actually it was delivered to my office, but it's my understanding it came from Mr. -- either Mr. Sanger's or Mr. Mesereau's office.
Q. Do you have that book with you today?
A. Yes, I do.
MR. AUCHINCLOSS: May I approach and take a look at that item, Your Honor? 11532

THE COURT: Yes.
MR. AUCHINCLOSS: All right. Thank you.
Q. So when you received this book -- I noticed that -- well, is it fair to say that the book has some additional documents in it apart from what you've included in your report on Exhibit 5105?
A. Yes, sir.
Q. And did you receive some guidance from Mr. Sanger or anybody else as to which documents were going to be selected out of that book to be included in this exhibit?
A. Yes, we met and discussed the documents in the book and which ones Mr. Sanger wanted to have on the schedule and which ones had the actual documentation behind them.
Q. Okay.
A. There were a lot of documents in the book.
Q. So Mr. Sanger told you what he wanted on this list?
A. We had a meeting and we discussed various transactions. And I suppose, yes, he told me which transactions to put on the book, but it was a discussion that him and I had back and forth. We discussed various transactions.
Q. But many of these transactions you don't even have in that book; is that fair to say? You don't have any evidence of the transaction in the book that was delivered to you? 11533

A. Just the ones that Mr. Sanger brought up at the end from February 6th on. There aren't any indications of those in this book.
Q. And you also don't have any indication of the transaction involving Azja Pryor in December of 2001?
A. I'm sorry. That one also. There's no indication for that.
Q. And some of this information in this report you don't have any knowledge of except based upon what Mr. Sanger told you; is that fair to say?
A. I don't quite understand what you're asking.
Q. Well, for instance, the source of the deposits to Janet Arvizo's account at Washington Mutual, you have no idea what the source of those deposits was?
A. No, and I don't think I'm trying to -- all -- under "Description" I just say, "Deposit into the Washington Mutual account." I'm not making any kind of opinion as to where I think those sources are coming from.
Q. But the "Source" you wrote in this document is "fund-raiser," "fund-raiser," "fund-raiser," "fund-raiser," "fund-raiser," for those five documents. And you don't know that the source of those funds on those entries was, in fact, a fund-raiser except for what Mr. Sanger told you; is that fair to say? 11534

A. Yes, as he indicated, that was an assumption that was made.
Q. Okay. So moving down the list, you assumed that each of those deposits came from a fund-raiser, but you don't have any knowledge of that?
A. That is correct.
Q. Moving to the next entry, November 5th, 2001, there's a check from Michael Alder. It says, "J.C. Penney lawsuit." Did Mr. Sanger ask you to assume that as well?
A. Yes, and there was -- also I reviewed a J.C. Penney lawsuit settlement statement.
Q. And then moving down to the next one, that's a cashier's check from Hollywood Ford. Do you have any information as to whether or not that check to Hollywood check was cashed?
A. Actually, it's a check to Hollywood Ford, not from --
Q. I misspoke. A check to Hollywood Ford. Do you have any idea whether that check was ever cashed?
A. I have no idea.
Q. Do you have any idea where those funds went?
A. The check is made out to Hollywood Ford. I assume it went to Hollywood Ford.
Q. But that's all you have had. Does that check cashed -- does it indicate it's been cashed based upon the markings on the check? 11535

A. Well, what we have is a copy of a cashier's check. So we don't have the actual check itself. The check would have not been returned to Miss Arvizo. It would have been returned to the bank. When you get a cashier's check, it doesn't come back in the mail with your bank statement. It's returned to the bank.
Q. Okay. Did you call Hollywood Ford?
A. No, sir.
Q. So you really don't know if Hollywood Ford received that check, true?
A. All I can say is it was made out to Hollywood Ford.
Q. Do you have any idea whether the $32,000, $32,308, do you have any idea whether those funds went to Janet Arvizo or if she shared those with her husband or if they went to somebody else? Do you have any idea where those funds went ultimately?
A. Yes, I do. They went to the Washington Mutual account and they were deposited into the Washington Mutual account, the $32,000.
Q. Yes.
A. And about seven or eight days later, the funds were basically cleared out when she wrote a check to Hollywood Ford. Basically, money comes into the bank and the money goes out to Hollywood Ford.
Q. So with the exception of the $3,000, 11536

approximately, $3,000?
A. That is correct.
Q. Okay. But we're back to my previous question. You don't know what happened to that $29,000, exactly where those funds went?
A. Well, it went to Hollywood Ford. I guess I'm --
Q. You have a cashier's check, but you said you didn't have an indication whether or not that check was cashed, true?
A. No, I -- the funds were withdrawn from the bank. I know that.
Q. Yes.
A. The funds were withdrawn from the bank. There is a check on that same day for the same amount to Hollywood Ford. It's not unreasonable to think that that check went to Hollywood Ford.
Q. Gotcha. But that's an assumption that you're making, correct? You don't have any direct evidence that that check was cashed at Hollywood Ford, true?
A. Well, the check was made out to Hollywood Ford, the funds left the bank. I guess I'm assuming that, but I guess I assumed the sun came up this morning, too.
Q. Well, let me throw another assumption at you.
THE COURT: Let's take a -- let's assume 11537

1 we’re going to take a break.
2 (Laughter.)
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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 11497 through 11538 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on May 23, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, May 23, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

MONDAY, MAY 23, 2005

8:30 A.M.

(PAGES 11540 THROUGH 11685)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter 11540

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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index.

DEFENDANT’S
WITNESSES DIRECT CROSS REDIRECT RECROSS
RADAKOVICH, Mike 11563-A
MANRRIQUEZ,
Mercy Dee 11566-SA 11618-A 11625-SA 11631-A
ARVIZO,
Marian 11633-M 11642-Z
KEENAN, Connie 11646-M 11658-SN 11676-M 11681-SN

1 E X H I B I T S
2 FOR IN DEFENDANT'S NO. DESCRIPTION I.D. EVID.
3 5106 Subpoenaed records from
4 the Department of Public Social Services 11569 11569
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THE COURT: Counsel?
MR. AUCHINCLOSS: Thank you, Your Honor.
Q. Where we left off, Mr. Radakovich, we were talking about whether the sun was going to come up tomorrow, and I wanted to just ask you about another assumption, okay?
Assume that you take a -- you go into your bank, your bank is Washington Mutual, let's say, and you have a $30,000 balance in your account.
And you go in and you get a cashier's check for $30,000 for, let's say, an automobile dealer.
You walk out of the bank intending to buy a car, and you turn around and you say, "You know, I don't really want that car," and you walk back into the bank and you say, "I've changed my mind. Here's my receipt. Here's my cashier's check. I don't want the car. I just want cash."
The bank will negotiate that check for you, won't they?
A. I would assume so, yes.
Q. So there's an example where that check would not have gone to Hollywood Ford, a conceivable possibility?
A. That would be a possibility, yes.
Q. And you can't testify whether or not Hollywood Ford actually received that check, true?
A. No, sir.
Q. So the sun will come up tomorrow; is that 11544

fair to say?
A. I certainly hope so.
Q. Okay. Let's go back down to the next entry involving Azja Pryor. You had absolutely no information as to that particular transaction except for what Mr. Sanger told you?
A. He told me that that was admitted as -- I don't know the legal term. Was admitted as evidence or there was testimony as to that.
Q. Okay. But in terms of him supplying you with any hard documentation, any accounting records of any kind, you have nothing to justify that except for what Mr. Sanger told you, true?
A. That is correct.
Q. All right. Now --
MR. SANGER: I'm going to object. Really I asked him to assume that for purposes of a hypothetical --
MR. AUCHINCLOSS: I'm going to --
MR. SANGER: -- as opposed to just --
THE COURT: The objection is overruled. Next question.
Q. BY MR. AUCHINCLOSS: Moving down, let's see, let's go to the four -- five final transactions. Now, each of these transactions were based completely on assumptions or hypotheticals that Mr. Sanger gave you; is that correct?
MR. SANGER: Objection; misstates the

1 evidence.
2 MR. AUCHINCLOSS: I'll ask a different
3 question.
4 THE COURT: All right.
5 MR. AUCHINCLOSS: Strike that.
6 Q. With the exception of Exhibits 414 and
7 416 -- same question. With the exception of those
8 two exhibits, which I believe you were supplied,
9 correct?
10 A. Yes.
11 Q. Did the rest of this information come from
12 Mr. Sanger?
13 A. Yes, sir.
14 Q. All right. And as far as the amounts that
15 are itemized, we don't have specific amounts for any
16 of these transactions, with the exception of the one
17 involving Hamid Moslehi, $2,000, true?
18 A. That is correct.
19 Q. Okay. So we don't really know what kind of
20 dollar figure we're talking about with each of those
21 transactions?
22 A. No, sir.
23 Q. All right. And have you ever prepared a
24 document like this before?
25 A. I've prepared many documents. Yes, I
26 prepared many documents. I'm not sure when you say
27 "like this" --
28 Q. Well, a document that included many 11546

assumptions and unknown amounts and hypotheticals.
A. I've prepared documents for different cases,
and it seems like almost every single case is
different. I'm not sure exactly how to answer that
question. I mean, I have never prepared a document
just like this one, because this case is different
than the next case.
Q. Let me ask you another question. You said
that this was a fair and accurate document. But in
fact, it's not accurate at all because we don't know
the figures that we're talking about; isn't that
fair to say?
MR. SANGER: Objection. Argumentative, and
misstates the evidence as a matter of fact.
THE COURT: Overruled.
You may answer.
THE WITNESS: It's fair and accurate based
on the assumptions that underlie the schedule.
Q. BY MR. AUCHINCLOSS: Assuming that all of
Mr. Sanger's hypotheticals are accurate, then it's
fair and accurate?
A. Yes, sir.
Q. With the exception of the fact that it's not
accurate in the amounts that you provided for these
various transactions for which you have no specific
amount, known amount; is that fair to say?
A. It's accurate based on the assumptions that
were used to prepare it. I don't know how else to 11547

say that.
Q. What does “several thousand dollars” mean in terms of accuracy?
A. Well, it was explained to me, as an example; that they flew to Miami and that they stayed at a hotel. And it would be my experience that that would be several thousand dollars to get there, to stay at the hotel, and the assumption that the goods and services provided them would probably be several thousand dollars.
MR. AUCHINCLOSS: All right. Thank you, Mr. Radakovich. Thank you. No further questions.
MR. SANGER: Your Honor, I would ask to admit 5105, which is the summary chart.
MR. AUCHINCLOSS: And we would object to the admission of that document based upon improper foundation and -- or lack of foundation.
THE COURT: Right now I’ll sustain the objection to the chart. I think, basically, it would be helpful in your final argument as an exhibit of -- you know, to explain to the jury that, but I don’t think that it has an evidentiary value independently of argument, so --
MR. SANGER: It is foundational to the next witness. That’s the purpose of doing it this way. Could we approach for a moment, Your Honor?
THE COURT: Yes.
MR. SANGER: Thank you. 11548

(Discussion held off the record at sidebar.)
MR. SANGER: May I approach the witness to retrieve the exhibits that have been admitted?
THE COURT: Yes.
MR. SANGER: Okay. And I'm holding out 5105. That was not. The others have been received and I'd like permission, then, to publish them.
THE COURT: You may.
MR. SANGER: Thank you.
Q. I'm putting up these documents that have been received. They've been received into evidence and -- do we have our laser thing there?
MS. YU: Yeah.
MR. SANGER: Sorry. Technical moment here. There we go. Thank you. There we go.
Q. Okay. What I want to do is go through these quickly. You've already testified to them before they were received, but just to publish them so the jury can see what we're talking about.
This is Exhibit 5097, and you referred to this exhibit. You indicated it showed an account, "Janet Arvizo, FBO Gavin Anton Arvizo," correct?
A. That is correct.
Q. All right. And the address for the statement was in El Monte on Ramer Street; is that correct?
A. Yes.
Q. And this particular exhibit -- I want to be 11549

careful not to shine this in the court reporter's eyes here.
This particular exhibit shows deposits and withdrawals from this particular FBO account; correct?
A. That is correct.
Q. And you had indicated that -- there we go. I think our laser is getting faint here for some reason. It may be running out of battery or something.
Okay. These are the deposits, and you listed those -- well, never mind what you listed. But the deposits show how much money went into this account?
A. Looks like $7,000 in that one month, yes.
Q. Okay. All right. And that month would have been December, and actually into January. December of 2000 and January of 2001; is that correct?
A. That is correct.
Q. Thank you. Let's see if we can get a -- whoa, that's a lot better. Okay.
Let's take 5098. Now, in looking at this particular document, this is the copy of the Hollywood Ford cashier's check, correct?
A. Yes, that's the infamous Hollywood Ford check.
Q. And basically you don't have a copy of that thing that's endorsed by Hollywood Ford to show that 11550

it actually went into one of their accounts; is that correct?
A. Again, as I said, because it's not returned to the person writing the check. It goes back to the bank.
Q. All right. However, did it appear, from your review of the records, that this money ever went back into Janet Arvizo's account?
A. I never saw it going back into any account I looked at, no.
Q. So in other words, whether Hollywood Ford got it or somebody else got it, it did not go back into Janet Arvizo's account?
A. That I could see, that is correct.
Q. All right. Now, I'll put up 5099, and that is very hard to read. But it appears to be Mr. Alder's check; is that correct?
A. Yes. That was a check from Mr. Alder's office to Janet Arvizo. And the bottom, where the "Memo" says "Arvizo settlement," it's $32,307.88.
Q. Now, you said you also reviewed the J.C. Penney's settlement documents, or lawsuit documents; is that correct?
A. Yes, sir.
Q. Did it appear that other Arvizo family members received additional sums in their name in addition to the amount that Janet Arvizo received?
A. Yeah, the total settlement was $152,000. 11551

Q. All right. Some of that went to attorney's fees and costs?
A. Attorney fees and costs, and I think some went to the kids, and I think Mr. Arvizo received a check. And I think this was the check that went to Janet, or obviously this is a check that went to Janet.
Q. This is just Janet Arvizo's portion of that, right?
A. That is my understanding.
Q. And I think you're doing okay, but you got to really speak --
A. I'm scared I'm in their way over here. I feel like I'm at the movies and I want to --
Q. I think they can see over your head. The concern is make sure you talk into the microphone. Okay. And that amount of money went into this FBO account for Gavin and then was taken out shortly thereafter by virtue of whatever this transaction was with the Hollywood Ford cashier's check?
A. That's correct. 32,000 goes in, 29,700 goes out, and then later that month the remaining 3,000 goes out.
Q. All right. And then the -- oh, I won't put all of these up, but we had the series of 5100 through 5104. This is 5100 that I'm putting up there. And that's basically a copy of a check that 11552

shows that it was deposited into Jay Jackson's account; is that correct?
A. That is correct.
Q. And you had a couple of those; is that right?
A. Right. And I also looked at the Bank of America account of Mr. Jackson and actually saw that same amount on that same day being deposited into his account.
Q. All right. So the actual check record corresponded with the statement from the bank; is that correct?
A. That is correct.
Q. And similarly, looking at 5101, which I indicated was the rent payment for Soto Street, that's noted on there; is that correct?
A. That is correct.
Q. And that appeared to have been paid out of the Jay Jackson account to Raymond Trujillo; is that correct?
A. That is correct.
Q. And you had a couple of those.
A. Yes, sir.
Q. Now, there were -- in the documents you looked at, there were a number of other payments made by Jay Jackson; is that correct?
A. Yes, sir.
Q. All right. And were you asked to take a 11553

liberal approach to this? A conservative approach?
Can you explain what you were asked to do?
A. I looked at all the documents submitted to me, and there were a lot of documents I looked at. And I didn't see, in my opinion, the relevancy of those documents. There was just a check from Jay Jackson's account to American Express, but it didn't -- I mean, that's all I had. To me, that's a meaningless check. The --
Q. Let me stop you there, if I could, just so we can pick up on that point. In other words, you saw a number of expenditures, but you couldn't tie them directly with the information you had to Janet Arvizo; is that correct?
A. That is correct.
Q. So you took the representative ones here that are clearly for something that has been identified as a residence of Janet Arvizo; is that correct?
A. That is correct.
Q. All right. Now, I want to ask you -- Switching gears here for a second, I'd like to first approach the witness and I'm going to come back and put this up on the board, if I can. I'd like to approach the witness with the book that includes Exhibit 414 and 416 that have already been received into evidence. And while I'm at the microphone here, I'll just say it here so we don't 11554

have a colloquy up there.
I'm just going to ask you to look at 414 and
416. And these have been placed in these glassine
protectors, or whatever they are, and unfortunately
the book is broken on the top, and it tends to come
apart, so we've got to be careful flipping through.
I'm going to ask you to look through 414 and
then look through 416, and tell me if those appear
to be the same documents that you looked at earlier,
okay?
Did I ask if I may approach? I think I did,
yes.
In fact, what we'll do is just start with
414.
A. Yes. This is the document I previously saw.
Q. Okay. Now, on 414, that appears to be a
report of some sort that was generated on behalf of
a company called Neverland Valley Entertainment,
correct?
A. I don't know who it was generated on. It's
a Quicken report generated by the Quicken software,
and it appears to be disbursements with different
categories, such as Panda Express, Anchor Blue
Clothing, Johnny Rocket's, with various dollar
amounts and then a running balance going forward.
Q. All right. And at the end -- so the running
balance going forward at the end should show you the
total amount of the expenditures for the particular 11555

items included in that Quicken report; is that
correct?
A. That's correct.
Q. Take your time.
A. And what happens, the way the account reads,
it starts at zero. Somebody puts in $2500, and that
$2500 is eaten up, so your balance actually goes
down, if that makes any kind of sense.
Q. Can you tell -- and I'm sorry to put you on
the spot here, but can you tell quickly about how
much money was expended through that account?
I see you brought a calculator. I'm not
really encouraging you to use it, if you can give us
an approximation.
A. I'm going to give it about $7,000.
Q. So earlier when you said several thousand
dollars, you see about 7,000 there; is that correct?
A. Yes, 7,000 or so.
Q. All right. Now, I'm going to ask you to
turn to 416. And I'm going to come and help you,
because the book is going to fall apart.
If I may, Your Honor.
THE COURT: Yes.
MR. SANGER: Let me just help you with this.
All right?
Q. Now, I'll ask you to go through 416. Just
kind of flip through it and see if that appears to
be the same documents that we showed you as being a 11556

1 copy of 416.
2 A. Yes. And the title of it is “Summary of
3 Petty Cash Expenditures,” and it lists dates and
4 various payees such as Banana Republic, Pacific
5 Sunwear, Levi’s. And then it has dollar amounts,
6 $160, $450, and has a running total that adds up to
7 $4,800 for about a one-month period. 4,800 for a
8 month period.
9 MR. SANGER: All right. May I retrieve the
10 book? I’d like to publish selected pages.
11 THE COURT: Yes.
12 MR. SANGER: Thank you.
13 And with the Court’s permission -- oops,
14 that’s probably why the book is broken. It’s
15 because I did it wrong. No? Okay.
16 With the Court’s permission, I would like to
17 take Exhibit 414, which has been received, and
18 publish some representative pages here of the
19 eight-page register, if I may.
20 THE COURT: Yes.
21 MR. SANGER: Okay. Thank you.
22 Q. Now I’m taking them out of the book. And
23 the first page of Exhibit 414, for the record, the
24 little glassine envelope has a “1” on the bottom and
25 it has a couple of computer disks inside. So I’m
26 going to go to 2, page two of Exhibit 414, and just
27 ask you if -- can you read that? Is it clear enough
28 or -- 11557

A. Yes.
Q. You can? Okay. Let's just start at the top. And all of these pages are set up the same way; is that correct?
A. That is correct.
Q. All right. So they've got a date, which appears to be obliterated by a hole punch. And then it's got "Number," it says "N-U-M," "Transaction," "Spend," "C," "Received" and "Balance." Do you know what those columns relate to in this Quicken register?
A. Yes. The date is obviously the date. The number is probably a transaction number. Either a check number or a credit card number. The "Transaction" is somebody putting a description as to who the payee is and the reason for it. The "Spend" is the amount of the transaction. And the "Received," as I was saying, was where somebody's putting money into that account.
So the first transaction is an $80 deposit, so we have a balance of $80. The second transaction is Five Star Parking for $6. And so our balance now is only $74. And it goes into a running total.
Q. Okay. I'm sure everybody's up to date with us here, but the opening balance, somebody put -- the opening balance is zero, and then on 2-20 they record an $80 deposit, showing a balance of a deposit of $80, correct? 11558

A. That is correct.
Q. And then you have the next transaction, $6 is spent, so that leaves you $74 --
A. Yes, sir.
Q. -- right?
And you can follow this through. I'm going to move this particular page up a little bit. You had mentioned there was a $2500 deposit at some point, and that appears to have occurred on 2-25-03, 2500, correct?
A. Yes.
Q. And looks like there was a negative balance here after an expenditure at Robinson's-May -- actually, there's been a negative balance for a while here. And now the total is 2272.70, which means that the $2500 then replenished that account; is that correct?
A. That is correct.
Q. And in the various -- in the columns here for the period of time covered by this register, you have certain indications such as "Hair products for Janet," "Outback Restaurant, Janet," and looks like it says "Vinnie"?
A. Yes, sir.
Q. All right? And it also -- apparently "Gas for rental car." That's also included in this account; is that correct?
A. That is correct. I think the -- I think the 11559

account title is “Janet.”
Q. All right. All right. So if we take this through to the end, there’s the same -- same accounting procedure through the entire seven pages.
A. That’s correct. And when I came up with that $7,000, I ran a mental total of all the deposits, that 80, the 2500, and I came up with around 7,000.
Q. Okay. And that’s why you’re an accountant because you can do that fairly quickly.
All right. Now, let me turn to -- I’m going to turn to the next exhibit, Your Honor. I just need to do it carefully. To Exhibit 416.
And may I put that up on the board?
THE COURT: Yes.
MR. SANGER: It’s been previously received.
Q. Okay. You talked about 416 and you told us that this appears to be what you reviewed. This is a handwritten, obviously, expenditure sheet of some sort; is that correct?
A. That’s correct.
Q. All right. And this appears to go from 2-26-03 to, looks like, 2-28-03?
A. Yes.
Q. Okay. In any event, this has -- the bottom line for this period of time, it shows, you thought, about $4,000 in expenses?
A. $4,817. 11560

Q. Now, they said “Cash left” of 180. So, to be technically correct, I suppose you’d subtract the 180 from that 4800?
A. I believe that 180 is the amount of the expenditure --
Q. Oh, okay.
A. -- to the left. So --
Q. Okay.
A. I don’t know what “cash left” means.
Q. But the rest of the things seem to be expenditures of some sort for McDonald’s, Mobil and so on, Baskin Robbins, I see, right?
A. That is correct.
Q. All right. Now, in the rest of Exhibit 416, there are -- the first two pages, there were a series -- there was a series of receipts; is that correct?
A. That is correct.
Q. Now, you did not go through and attempt to match all the receipts to expenditures; is that right?
A. No, sir.
Q. I’m going to take page three and put this up here. There’s a note, “Luggage for trip.” Do you see this up there?
A. Yes, it appears to be to Wilson’s down at the Camarillo Outlet.
Q. Wilson’s is a leather or luggage store? 11561

A. I believe it is.
Q. And then there's a note, "Food," and it
shows a Denny's receipt?
A. Denny's in Thousand Oaks.
Q. And I'll take the next page here quickly.
I'll put that back there. It appears to be a Banana
Republic receipt; is that correct?
A. Correct. It looks like they're all from the
Camarillo outlets.
Q. Pacific Sunwear. So all of these seem to be
from the same general place?
A. Yes, sir.
Q. Okay. And basically, if you go through
here, based on your understanding of accounts and
documenting accounts, it appears that somebody at
least attempted to put together all the receipts, or
put together receipts that would back up the kind of
accounting document that you saw either in 414 or
the beginning of 416; is that correct?
A. Correct. Assuming that those match up.
Now, I didn't match them up, no.
Q. And you weren't asked to assume that every
single one of these receipts pertained to Janet
Arvizo.
A. No, sir.
Q. So if we look at Outback Steakhouse here, it
looks like there's a number of different dinners
that were purchased on a particular evening; is that 11562

1 correct. Five guests?
2 A. That's correct. It appears that the total
3 was $111, with a $10 tip.
4 Q. All right. And we've just gone through the
5 tip of the iceberg here to save time, but I think
6 there are -- if I'm not mistaken, in the exhibit
7 there are about 60 pages. The last number is
8 numbered 63. But assuming a couple of the pages are
9 for the handwritten accounting in this exhibit,
10 there are about 60 pages of documentation for this;
11 is that correct?
12 A. I would assume so, yes. Excuse me.
13 MR. SANGER: All right. I have no further
14 questions.
15
16 REDIRECT EXAMINATION
17 BY MR. AUCHINCLOSS:
18 Q. Just a couple of final questions.
19 As far as the Exhibits 414 and 416, 414 has
20 a number of entries indicating for Janet; is that
21 true?
22 A. That is my recollection, yes.
23 Q. Do any of the entries likewise indicate a
24 recipient of those services or goods for someone
25 else other than Janet?
26 A. I just remember seeing "Janet," but I
27 couldn't tell you every transaction, no.
28 Q. Okay. And do you know who prepared that 11563

document?
A. No, sir.
Q. Do you know where it came from?
A. Mr. Sanger gave it to me out of an evidence book.
Q. Okay. But other than that, you don't know who prepared it or under what circumstances it was prepared?
A. No. For some reason in the back of my mind, I remember I was told it was Neverland Ranch or -- but I don't really --
Q. Neverland Valley Entertainment?
A. But I don't even know who that is.
Q. And as far as Exhibit 416, which has the handwriting entries, those handwritten entries, by and large, don't associate those goods with any individual; is that fair to say?
A. I'd have to look at the document. I thought there was some indication, but I don't remember.
Q. Do you remember seeing any entries that indicated goods or services for Frank and Vinnie?
A. Those names I remember.
Q. Okay. So some of those entries were things that Frank or Vinnie arguably received. At least that's what it indicates?
A. I would agree with that, yes.
Q. Were there entries for The Country Inn & Suites? 11564

A. I don’t remember that particular entry.
Q. Were there entries for gasoline?
A. I remember seeing gasoline.
Q. Okay. And there were a number of entries for fast food places; is that fair to say?
A. That is correct.
MR. AUCHINCLOSS: All right. Thank you. No further questions.
MR. SANGER: No further questions.
THE COURT: Thank you. You may step down.
Call your next witness.
MR. SANGER: We’ll call Mercy Manrriquez.
And -- and, Your Honor, while the witness is coming in here, maybe we could approach quickly on a procedural matter.
THE COURT: Okay.
MR. SANGER: Try to handle this with the clerk.
(Discussion held off the record at sidebar.)
THE COURT: Would you remain standing, please, and face the clerk here and raise your right hand.

MERCY DEE MANRRIQUEZ
Having been sworn, testified as follows:

THE WITNESS: I do.
THE CLERK: Please be seated. State and 11565

1 spell your name for the record.
2 THE WITNESS: Mercy Dee Manrriquez.
3 M-e-r-c-y, D-e-e, M-a-n-r-r-i-q-u-e-z.
4 THE CLERK: Thank you.
5 MR. SANGER: Okay. Your Honor, before we
6 start -- well, let me start with this so everybody
7 knows where we are.
8
9 DIRECT EXAMINATION
10 BY MR. SANGER:
11 Q. Miss Manrriquez, how are you employed?
12 A. I'm employed by the County of Los Angeles,
13 the Department of Public Social Services.
14 Q. What does the Department of Public Social
15 Services do?
16 A. The program I'm involved in -- we determine
17 eligibility for people that are requesting public
18 assistance.
19 Q. Okay. And you're doing pretty much okay,
20 but maybe you can pull the right microphone up just
21 a little bit. It's kind of a hard one to talk into.
22 A. Okay. Is that better?
23 Q. That's a little better. You're doing okay,
24 actually. All witnesses tend to fall off a bit if
25 we're not careful.
26 Okay. So you determine welfare eligibility,
27 correct?
28 A. Yes. 11566

Q. Do you personally know an individual by the name of Janet Ventura Arvizo?
A. No, I don't.
MR. SANGER: We have subpoenaed the records from the Department of Public Social Services and I believe the clerk has them. And pursuant to prior orders, they have not been opened by anybody. So I would ask that --
THE COURT: Do you have those?
MR. SANGER: And, Your Honor, I'm going to ask that the witness and counsel be allowed to inspect those documents. I believe the Department of Public Social Services required a court order that the witness be allowed to testify as to this particular individual, if I'm not mistaken.
Is that correct?
THE WITNESS: That's correct.
MR. SANGER: So we would request an order; the Court order the witness to testify regarding Janet Arvizo.
THE COURT: In anticipation of this this morning, I reviewed these records.
Sorry. In anticipation of this this morning, I reviewed these records, and I will make a determination that the Court has waived the privacy privileges involved and finds that the probative value and the nature of these proceedings are such that I will order the records revealed and order the 11567

Department of Social Services to answer the questions propounded by both sides here today.

MR. SANGER: Thank you, Your Honor. Procedurally, may both counsel take a quick look at it, since we haven't seen it yet?

THE COURT: Yes.

MR. SANGER: Can we approach and do that?

THE COURT: Why don't you just take them. There were several envelopes. The mailing envelope I'm discarding. There was an envelope that also was opened to ensure that the subpoena had been complied with, and then I reviewed the records.

MR. SANGER: Okay. Could --

THE COURT: Yes.

MR. SANGER: Could Mr. Auchincloss and I just have a moment so we can see where we're going?

THE COURT: Go ahead.

MR. SANGER: Your Honor, there are a few pages in here that are upside down. And with the permission of counsel, I'm going to turn them right side up, if that's all right.

THE COURT: All right.

MR. SANGER: Otherwise, I'll try to leave it in the same condition. Your Honor, both counsel and I have had an opportunity to review the documents that were subpoenaed to the court. And I believe they were delivered in January, if I'm not mistaken. And 11568

we've just now taken a look at them.
What I propose to do, if it's all right with the Court, I'd like to question the witness on these documents, so I would ask that we mark them all as one exhibit. There is the Court's order endorsing the subpoena duces tecum from November 5, 2004. I would remove that, unless somebody wants to keep it in there.
THE COURT: That's fine to remove it.
MR. SANGER: I'll remove that and we'll just give that back and lodge it with the Court. And then I suppose the envelope and the -- all the documents could be marked as one exhibit next in order.
THE COURT: That will be fine.
THE CLERK: That would be 5106.
Q. BY MR. SANGER: Okay. We're back to you. Sorry to make you sit there so long.
All right. What I -- we have these documents marked as Exhibit 5106 for identification, and I would actually move to admit them at this time as based on -- based on the Evidence Code section 1560 verification.
THE COURT: As official records?
MR. SANGER: As official records.
THE COURT: They're admitted.
MR. SANGER: Thank you. May I approach the witness? 11569

THE COURT: Yes.
Q. BY MR. SANGER: Now I'm going to ask you just to flip through that, if you would, just so you feel comfortable with what's in there. And I am going to go through and ask you questions on some of the documents as we go along.
Okay. Miss Manrriquez, have you had a chance to flip through those and get a feel for what's in there?
A. Yes, I did.
Q. All right. Now, I want to ask you some questions in general, and then I'm going to come down and retrieve those from you after a little while. Not right now, so you can look at them. And I'm going to ask permission to put some of them up on the screen as we go along. But let's start. So you're free to answer the questions, if you know, directly. If you need to refer to the file, indicate that you want to do that, and then we can do that as well, okay?
A. Okay.
Q. So first of all, let me ask you some general questions about welfare eligibility.
What is the function of the welfare eligibility worker?
A. To determine eligibility for the participants that are receive -- there's the three programs that I work, Cal-Works, which is cash 11570

assistance, food stamps, and Medi-Cal.
Q. Okay. And are these benefits distributed by the State of California, the County of Los Angeles, the federal government, or what?
A. The County of Los Angeles. The County of Los Angeles.
Q. Okay. And wherever the funds come from initially, it's the County of Los Angeles that is given the job of deciding who should get the funds?
A. Correct.
Q. Now, you said there are three categories. The first one was Cal-Works; is that correct?
A. Cal-Works.
Q. Can you spell that so we can hear what you're saying?
A. C-a-l-W-o-r-k-s.
Q. It's Cal-Works?
A. Correct.
Q. And Cal-Works is what kind of a program?
A. That's the cash assistance.
Q. If somebody comes in and has an emergency need for cash, can they -- I'm sorry. If somebody comes in and they can make a showing that they have a need for emergency cash, would it be distributed under that program?
A. Yes. They need to meet the qualifications.
Q. Okay. Now, as to all of the programs, is there -- I mean, this is an obvious question, but is 11571

there a bottomless pit of money that's out there to be distributed to people in California?
A. No.
Q. All right. Is it important to determine who really needs the assistance?
A. Yes, it is.
Q. Why is that? It may be an obvious question, but why is that?
A. In my opinion, I would think it would be to cut down on the fraud.
Q. And if people come in and do not accurately represent to you their assets or the availability of funds or people to assist them in their living expenses, does that keep you from doing your job properly?
A. Yes, it would.
Q. And if they willfully exclude any of those items I just mentioned, would that amount to fraud?
A. Yes, it would.
Q. It's your job to try to eliminate fraud the best you can or avoid fraud the best you can so you give money to people who really deserve it and need it; is that correct?
MR. AUCHINCLOSS: Objection. Argumentative; leading.
THE COURT: Sustained.
MR. SANGER: All right.
Q. Now, do you have an opportunity to verify 11572

everything that people put in the written
applications to you?
A. No, not everything.
Q. Do you have an opportunity to verify
everything that people tell you orally in interviews
or over the phone?
A. No, not always.
Q. Do you have to depend on people telling the
truth when they fill out the various forms?
A. Yes.
Q. Now, one of the forms that you had there I
think was an eligibility form, and I think it's --
well, it's called Statement of Facts. So I don't
really know what it is. But I think you've got
something there called a Statement of Facts; is that
correct?
A. Yes.
Q. Can you tell us what the purpose of that
document is?
A. This is their application to determine their
eligibility.
Q. Do you depend on people to be honest when
they fill out a form like that, or fill out that
particular form?
A. Yes, we do.
Q. And do you make decisions as to who should
receive benefits based on the information in that
form? 11573

A. Yes.
Q. Is that form signed under penalty of perjury?
A. Yes, it is.
Q. Now, were you the actual eligibility worker who worked with Janet Arvizo to determine her eligibility?
A. I was her intake worker.
Q. All right. And so as the intake worker, you went over this form with her?
A. Yes.
Q. Do you have that form as part of the exhibit?
A. Yes, I do.
Q. I've now forgotten what the exhibit number is. I apologize.
MR. MESEREAU: 5106.
MR. SANGER: 5106.
Q. So you have 5106, which is the big packet of information there?
A. Yes.
Q. And right towards the top is the actual Statement of Facts application part of that?
A. You have two Statement of Facts in this exhibit here.
Q. Okay. Is there a reason for that? Because I have no idea. We just opened it.
A. The first one that's dated 11-15-01, that's 11574

her intake. The second one, which is dated
10-23-02, is her yearly affirmation.
Q. All right. Now, how many -- you've got one
application for November 15th of '01?
A. Correct.
MR. SANGER: Could I have the Post-its
there? Just the little ones. The little ones.
Q. You have the initial application and then
you have one for 2002; is that correct?
A. Correct.
Q. Do you have one for 2003?
A. No.
Q. All right. The first date was November
2001. The second one was November 2002; is that
right?
A. No. The first one is 11-15-01, and the next
one is 10-23-02.
Q. Okay. So 11-15, November 15 of 2001, and
then October-something of 2002, correct?
A. Correct.
Q. So if Janet Arvizo had continued, wanted to
continue to collect money through your office in
October or November of 2003, she would have had to
fill out an annual form at that time; is that
correct?
A. Yes.
Q. Is there also a monthly form that you have
to fill out when you're receiving welfare? 11575

A. Yes, there is.
Q. And what monthly form is there?
A. It's called a CEW7. CW7.
Q. CW7, okay. We have to learn a new vocabulary every time we get into a new area. So the CW7 is a monthly form. In order for somebody to receive a check, do they have to file that monthly form?
A. Yes. There are exceptions, but the norm is, yes, you do file one every month.
Q. Now, I interrupted. We are going to come back to the CW7 in a second, and the other one as well. I interrupted you. Cal-Works is a cash payment program. And you have food stamps; is that correct?
A. Correct.
Q. And food stamps are certificates that can be redeemed at a retail market, for instance, for food products; is that correct?
A. Correct.
Q. And the idea is that these are given to families so that they can buy food products or use those to buy food products. Is it a complete dollar-for-dollar sort of thing, or is it a percentage off, or how does it work?
A. No, it's a dollar for dollar.
Q. You get so many dollars' worth of food 11576

stamps. You can go to a food store and buy food,
and those count just like dollar bills?
A. Correct.
Q. The third category you told us about?
A. Medi-Cal.
Q. And that's for medical care?
A. Correct.
Q. All right. If somebody is not covered by a
medical insurance program?
A. Correct.
Q. So if somebody is covered by a medical
insurance program, the medical insurance would pick
up the tab first; is that right?
A. That is correct.
Q. And then Medi-Cal will kick in if there is
anything left over?
A. Correct.
Q. All right. And with regard to Janet Arvizo
and her family, can you tell us if she received any
Cal-Works benefits?
MR. AUCHINCLOSS: I'll object as vague as to
time.
THE COURT: Sustained.
MR. SANGER: Okay.
Q. Let's do this. Can you tell us when Janet
Arvizo started receiving benefits of any sort
through your program and when she ceased receiving
benefits? 11577

A. Okay. According to what I have here, she started receiving assistance, Cal-Works, in November of ‘01 and stopped in January of ‘03.
Q. That was the Cal-Works?
A. Correct.
Q. Did she receive any other sorts of benefits, food stamps or Medi-Cal?
A. Medi-Cal goes hand in hand with Cal-Works, so she did receive that.
Q. I’m going to show you exhibits that have already been admitted into evidence, these three exhibits. They’re Exhibits 5100, 5102 and 5104. May I approach, Your Honor?
THE COURT: Yes.
MR. SANGER: I’d put them up on the board, but they’d be hard to see. So let me -- let’s put this over here so we don’t get mixed up, and let’s just take a look at those exhibits.
Q. 5100, does that appear to be a benefit that’s distributed through your agency?
A. Yes, it is.
Q. And what does that appear to be a check for?
A. A check for the amount of $769 for Cal-Works.
Q. That’s Cal-Works?
A. Correct.
Q. Okay. And then the 5102?
A. Also is a check made out to Janet Arvizo for 11578

$769 for Cal-Works.
Q. Now, that's dated February 24, 2003, I believe; is that correct?
A. February 15, 2003.
Q. I'm sorry. We have a deposit date here, but the actual date of the check is February 15, 2003?
A. Yes.
Q. And, now, you indicated that your records -- the records that were brought to the court and we all looked at here just now seem to indicate she received Cal-Works through January of '03.
A. Correct.
Q. Is that consistent with her receiving a check dated February 15, '03?
A. February 15th, yes.
Q. In other words, the other records seem to end January '03, and here we have a February 15, '03, check.
A. Can I go back and make sure that I have seen --
Q. You're welcome to do that. But so we don't waste time, if you look at the next one, 5104, it appears to be a welfare check dated in March of 2003; is that correct?
A. Correct.
Q. That does look like one of your Cal-Works checks?
A. Yes, it does. 11579

Q. With that in mind, so I didn't have you do it twice, can you tell from your records if it appears that Miss Arvizo was, in fact, receiving welfare checks through March of 2003?
A. Yes, through March of 2003.
Q. Okay. Now, that's Cal-Works. The food stamps, do you have any ability to determine when she received food stamp assistance?
A. She started receiving food stamps 11-15-2001.
Q. And when do those records show that she continued to receive the food stamps through?
A. There's no --
Q. Go ahead, sorry.
A. There's not a printout of that.
Q. So you can see it started, but you can't see from the records that were delivered here to court when it ended?
A. Correct.
Q. Okay. The Medi-Cal would have just followed with the Cal-Works?
A. Correct.
Q. And so it would be your opinion that she would have had Medi-Cal for uninsured medical expenses at least through March of 2003; is that correct?
A. At least through March 2003.
MR. SANGER: All right. Now, let me -- if I 11580

may approach and retrieve Exhibit 5106, and I'll try to put that up on the board, if that's all right.
THE COURT: Yes.
MR. SANGER: Thank you.
I'll take the envelope and the documents and everything. There we go.
Your Honor, this part will be easy. This is starting with the third page of this exhibit. I suspect it will get a little more difficult as we go along, but I'll refer to this as the Statement of Facts. It is the third page in the stack as I have it here, if that's all right.
And may I publish that?
THE COURT: Yes.
MR. SANGER: All right.
Q. All right. Well, we'll start with this for a second first. But I see the way this is organized, for some reason, this is the -- the current print date says 10-23-02; is that correct?
A. Correct.
Q. So this is the second one of those that you were talking about; is that right?
A. Yes.
Q. All right. So let me, now that I've figured that out, take that off and we'll come back to this in one second, and I'm going to mark that and come back to it.
Now, more precisely, somewhere about a third 11581

of the way through this exhibit is something else entitled “Statement of Facts.”
Is that close enough to identify it?
THE COURT: I think so.
MR. SANGER: Thank you.
THE COURT: There’s just two Statements of Facts in the file?
MR. SANGER: That’s correct, Your Honor.
And I’m going to put the first page up.
Q. All right. Miss Manrriquez, it’s a little hard to -- a little fuzzy there, but this apparently is -- current print date is 11-15-01, correct?
A. Correct.
Q. It says, “Worker name, Mercy Manrriquez”?
A. Correct.
Q. That would be you?
A. Yes.
Q. All right. Is this Statement of Facts the statement that you printed out after interviewing Janet Arvizo?
A. Yes.
Q. Was she asked to review it carefully and sign it if it was correct?
A. Yes.
Q. And at the end of this document, there is a certification; is that correct?
A. Yes.
Q. And down at the bottom -- let’s see if we 11582

can -- I'll leave it there. It says, in bold print, "I declare, under penalty of perjury under the laws of the United States of America and the State of California, that the information in this Statement of Facts is true, correct and complete." Is that right?
A. Yes, it is.
Q. And then you see what appears to be a signature there. And that would be the signature of the applicant in this case, Janet Arvizo; is that correct?
A. That's correct.
Q. And the date 11-15-01, correct?
A. Correct.
Q. Now, I note that the declaration statement says, "the State of California," because we're in the State of California, and it also says, "under the laws of the United States of America." Are any of the funds, in part, federal funds that are used for funding these programs?
A. Yes, it is.
Q. So somebody is being asked to not only swear under the laws of California, but also the laws -- the federal laws that what they say is true and correct, correct?
MR. AUCHINCLOSS: Objection. Relevancy; argumentative.
THE COURT: Overruled. 11583

Q. BY MR. SANGER: Is that correct, ma'am?
A. Yes, it is.
Q. Thank you. All right. Now, Question No. 47 --
I don't want to mix the pages up here, so this is a
page from the middle of this Statement of Facts from
11-15. It says "11-15-2001" there.
Question 47 says, "Does anyone, including
children, have any personal or business-related
resources?" Do you see that?
A. Yes, I do.
Q. Is that one of the standard questions?
A. Yes, it is.
Q. And Miss Arvizo answered, "No"; is that
correct?
A. That's correct.
Q. Miss Arvizo did not disclose to you on
November 15, 2001, that on November 5, 2001, she
personally had received $32,308, did she?
A. No, she did not.
Q. If she had disclosed that, would that have
resulted in a different answer to that question?
A. Yes.
Q. Now, it says, "Children." Did Miss Arvizo
advise you at that time that her children had also
received -- one of them had received $25,000 on that
same date?
A. No.
Q. The other child had received, I believe it 11584

was, in excess of 10,000, off the top of my head. I don't remember. But did she disclose anything like that?
A. No, she did not.
Q. Did she disclose that her ex-husband had received money from a court settlement as well?
A. No, she did not.
Q. If she had disclosed that, would that have been a material fact that you would have wanted to know in evaluating whether or not she was eligible for welfare?
A. That would have been something we needed to know.
Q. Now, how long back does this relate? In other words, what I just asked you about was within ten days of signing this, November 5th. How far back does this relate? Does it go back a year, two years, three years? What's the -- when a question like this is asked?
A. As long as the participant has the resource they need to put it in no matter what the date is as to when they received it.
Q. All right. And is it the obligation of the applicant on the monthly eligibility reports to report any change in any of these circumstances?
A. Yes, it is.
Q. Question No. 48, "Does anyone get or expect to get money from any of the above resources, such 11585

as interest, dividends, et cetera?"
If somebody had -- let's take the children.
If one of the children, say, had $25,000 in a bank account that was earning interest, would it be necessary to disclose that under Question 48?
A. Yes, it would be necessary.
Q. And again, the answer there is "No"; is that correct?
A. That's correct.
Q. And you relied on Mrs. Arvizo telling you that that was the answer?
A. Yes, I did.
Q. I'm going to put up the next page, with the Court's permission. The next page is -- I'm going to direct your attention to Question No. 53. Now, that one says, if I may read it, "Has anyone received money from insurance or court settlements, inheritance, lottery or back pay in the last three years (36 months)?"
Do you see that?
A. Yes, I do.
Q. And the "anyone" would be the applicant or the children of the applicant; is that correct?
A. Correct.
Q. Did Mrs. Arvizo disclose to you that she had just received a settlement, a court settlement, of $152,000, less attorney's fees and costs?
A. No.

Q. Would that have been a material
consideration on your part in determining her
eligibility?
A. Yes.
Q. And if she, in fact, had received such a
settlement, would that be fraud, to fail to disclose
it on this form?
A. Yes, it would be.
Q. I'm going to put up the next page, with the
Court's permission. I did it before asking, I
suppose, but....
THE COURT: That's all right.
MR. SANGER: Thank you.
Q. Look at No. 62. "Does anyone have health,
dental, vision, hospitalization or long-term care
insurance or health plans, such as Kaiser, Blue
Cross, CHAMPUS, et cetera?"
Do you see that?
A. Yes, I do.
Q. Did Miss Arvizo tell you she did not have
such?
A. Correct. It says, "No."
Q. So if she, in fact, had health insurance,
comprehensive health insurance for her children
under Kaiser, would that be a false answer?
A. Yes, that would be false.
Q. And that would also be fraud, would it not?
A. Correct. 11587

MR. AUCHINCLOSS: I'm going to object to the characterization as calling for a legal conclusion.
THE COURT: Sustained.
Q. BY MR. SANGER: Okay. Whatever we want to call it here, you are trying to -- I think you told us you're trying to avoid fraud?
A. Correct.
Q. And if we -- let's put it this way: In layman's terms, rather than describing it in legal terms, so we don't get into a legal definition of fraud, if somebody tells you something that is materially false with regard to their assets or income, and you grant them welfare based on those false statements, is that what you're referring to as fraud?
A. Yes.
MR. AUCHINCLOSS: Same objection.
THE COURT: Overruled. The answer's in. Next question.
Q. BY MR. SANGER: All right. Now, in this packet, there were monthly -- I didn't see a monthly eligibility report for every month. Did you?
A. No, I did not.
Q. Does that mean they don't exist, or they just didn't end up being produced here?
A. It could mean either/or.
Q. Okay. If somebody continues to receive welfare of the type you described through March of 11588

2003, you would expect them to have to fill out monthly eligibility reports, correct?
A. Yes, monthly, until I believe it was in July of 2002 we went into a quarterly reporting system.
Q. Okay. So monthly up to July of 2002 and then it was quarterly?
A. I believe it was July.
Q. All right. I'm going to turn to some of the other pages. By the way, these pages don't seem to be in chronological order, do they?
A. I don't know.
Q. Okay.
A. They should be.
Q. Okay. Well, that's all right. I didn't -- let's -- I'm going to try to keep the pages together here.
I'm going to go a few more pages into the materials. And these two pages are next to each other, so I'm going to ask to put these up one after the other and see if they have anything to do with anything.
All right. The first page is something entitled, "Application for Cash Aid, Food Stamps, and/or Medi-Cal, State CMSP (CW1)."
Now, I heard about a CW7 earlier. The "7" is the monthly report?
A. Yes, it is.
Q. Okay. So this is a CW1. What is the 11589

purpose of this?
A. The CW1 is taken when the participant first comes in, into our office. This is the first page of their application.
Q. Oh, okay. So this -- in this packet, it follows that Statement of Facts, but actually this would have been part of the application?
A. The original.
Q. Okay. And if we look down here, it says, "I need" -- I think everybody can see it there. Here we go.
Right here, it says, "I need," and it says, "Cal-Works, immediate need payment; yes." "Food stamp, expedited service; yes." "Medi-Cal or are pregnant and have an immediate medical need; yes," correct?
A. Correct.
Q. And that would have been Janet Arvizo's request?
A. Yes.
Q. And this would be the signature of Janet Arvizo, the applicant?
A. Correct.
Q. The date, 11-15-01?
A. Correct.
Q. And what's that? Looks like the signature of a witness?
A. That's the signature of our -- one of our 11590

clerks that takes the application at the window.
Q. So the clerk is certifying that Janet Arvizo is signing this on that date; is that correct?
A. Correct.
Q. Okay. And this particular form says that the person certifies that they got a cover sheet, and it says, “I understand and agree that I have to comply with eligibility rules, some of which I may be asked to do before any aid can be given. I understand the statements I have made on this form may be checked and verified,” correct?
A. Correct.
Q. And there’s another entry there. The last part before the signature says, “I declare, under penalty of perjury under the laws of the United States of America and the State of California, that information I have given on this form is true and correct and complete” -- “true, correct and complete,” right?
A. Correct.
Q. So this is signed under penalty of perjury as well.
The next page in the file, and I’m quite frankly not sure if this goes directly with it or not, can you tell us what that page is?
A. Those are the notices that have been issued to the participant, and, no, it does not go with that first page. 11591

Q. Okay. It's also dated 11-15-2001, correct?
A. Correct.
Q. So this is basically a receipt that the person who is applying for welfare payments acknowledges that the following items were reviewed with her and issued to her today, on 11-15-2001, correct?
A. Correct.
Q. And included in those are the cover sheet of the application for cash aid, food stamps and/or Medi-Cal, correct?
A. Correct.
Q. And it says, "Cover Sheet." Does that mean that's the whole Statement of facts?
A. No. That's the cover sheet. There is a cover sheet that goes on it.
Q. And is this issued before they sign the Statement of Facts?
A. It's issued after.
Q. After. Is there reference to the Statement of Facts here in all these code numbers?
A. The reference would be both on the SAWS 1 and SAWS 2A. They would give them all their responsibilities.
Q. All right. So the idea that you're signing under penalty of perjury and telling the Department of Public Social Services that what you're saying is the truth is covered by one or more of these forms; 11592

is that correct?
A. Yes.
THE COURT: All right. We'll take our break.
(Recess taken.)
THE COURT: Counsel?
MR. SANGER: May I proceed?
THE COURT: Yes.
MR. SANGER: Your Honor, we had on the board a page that we've been talking about, which, for the purpose of the record, is the best way to put it. And I want to put it back up on the board.
THE COURT: All right.
MR. SANGER: Thank you.
Q. Now, this was the page that -- you were just telling us about this page, and down at the bottom there, it has "Client's Signature." Would that be Janet Arvizo's signature?
A. Yes, it would.
Q. And that's dated 11-15-2001. That would have been the date that she signed that?
A. Correct.
Q. And it says, "Copy to client." So the client, that being Janet Arvizo, would have gotten a copy of this as well; is that correct?
A. Correct.
Q. Now I'm going to put up the next page in order in the exhibit, 5106. Looking at the top part, did this have 11593

something to do with the application of Janet Arvizo on 11-15-01?
A. That's what they use to clear her name, and if she had a previous record, case, with the county.
Q. All right. So when you're -- it's like running a records check; is that correct?
A. Yes. That's our Medi-Cal system that that form is from.
Q. And the date is 11-15-01, so that would have been when that was done?
A. Correct.
Q. I see some handwriting on the bottom. Is that your handwriting?
A. No, it's not.
Q. Okay. What would be the purpose of this type of a note in the file?
A. That -- you know, we don't have a screener. The intake worker that was interviewing her before me would have taken notes down. And once it became aware to that intake worker that it was a domestic violence, and then she referred her to me.
Q. Okay. That's interesting. You can turn around a bit, it will make it easier, and I'll ask you about that in a minute. Turn around this way, and that will make it easier to talk into the microphone.
You said the case was referred to you because it was domestic violence? 11594

A. Correct.
Q. Do you have some particular role there with regard to domestic violence cases?
A. I was the intake domestic violence worker.
Q. So when Janet Arvizo first came in, she talked to another intake worker; is that correct?
A. Correct.
Q. And that intake worker would have gone over the same questions; is that correct?
A. Not on the application.
Q. Okay.
A. Which does a screening first to see what the participant needs.
Q. Okay. So a preliminary kind of screening?
A. Correct.
Q. And then when it was determined who should get the final screening, it was sent to you to do the final screening?
A. The final intake.
Q. All right. Now, the intake worker -- and now you can turn around, if you like, and take a look.
The intake worker made a note here, and this says, looks like, “Mother and three children, all U.S. born,” and then it indicates, “Gavin has cancer. Advised mother to apply for SSI.”
Would that be an ordinary kind of a note?
A. Yes. 11595

Q. And that would be the course of action that an intake worker might pursue; is that right?
A. Correct.
Q. So in addition to the benefits that are being sought through your office, Janet Arvizo was advised that she could apply for benefits through the federal government through SSI; is that correct?
A. Correct.
Q. And that's a program under Social Security, correct?
A. Correct.
Q. It also indicates - and I'm going to lengthen the abbreviations, unless I'm wrong, so tell me - "Month last worked was 10-31-01 due to surgery on her foot"; is that correct?
A. Correct.
Q. And then it says, "On DIB." I guess disability?
A. Correct.
Q. $104 a week for disability that she was getting?
A. Correct.
Q. Now, it says, "No bank accounts. No cars."
A. Correct.
Q. Does that reflect, in the ordinary course of business in your department, that somebody would have asked her, "Do you have any bank accounts?"
A. Yes, we did. 11596

Q. And any cars?
A. Yes.
Q. And you not only ask for cars, but you ask for access or use of a vehicle; is that right?
A. Correct.
Q. And according to this, there was no bank accounts and no use of a vehicle?
A. Well, the “no cars” would be that she was -- does not own a vehicle.
Q. Fair enough. And “no bank accounts” would be no bank accounts, right?
A. Correct.
Q. All right. And then it says -- what’s the abbreviation down there?
A. It says, “Part.” Participant.
Q. Participant, okay. “Participant also applying for divorce due to domestic violence,” “DV”?
A. Correct.
Q. So this would have been information coming from Janet Arvizo to that first worker; is that correct?
A. Correct.
Q. And when you got the file, then, you would have looked at that note in the file?
A. Right.
Q. And in fact, that’s the reason it was sent to you particularly, because it was a DV case, 11597

1 domestic violence case?
2 A. Right.
3 Q. All right. The next -- ask leave to put up
4 the next piece of paper in order, if I may.
5 THE COURT: You may.
6 Q. BY MR. SANGER: And this is another piece of
7 paper. It says “Emergency” on the side there.
8 Whose handwriting is that; do you know?
9 A. No, I don’t.
10 Q. Would that be the applicant’s handwriting?
11 A. No, I believe it would be one of our clerks.
12 Q. So it would probably be an intake worker of
13 some sort?
14 A. No, one of our clerks, the receptionist.
15 Q. So this would be the very first page, the
16 very first piece of paper in the process?
17 A. Correct.
18 Q. Okay. And it shows the applicant as
19 applying for various benefits, and it says, “Are you
20 in need of emergency?” I think that’s what it says.
21 “Are you in need of emergency”?
22 A. Correct.
23 Q. Right?
24 A. Correct.
25 Q. By that we mean emergency benefits, correct?
26 A. Correct.
27 Q. And then down here it says, “Domestic abuse,
28 child and spousal,” correct? 11598

A. Correct.
Q. And this is based on information that would have been obtained from Janet Arvizo herself?
A. Correct.
Q. An emergency -- an emergency request, as noted up here on the end, is that noted for some reason in your department?
A. Yes, in order to expedite services to that participant.
Q. And why do you -- I mean, it may be obvious, but explain why you have a process to expedite services.
A. One might be the family's in danger. We don't want to put the children in -- and, you know, the woman back in there.
Q. All right. And so they need to have money right away so they can go someplace to be safe?
A. Well, not always cash, but we can locate a shelter.
Q. Okay. And so when you say "emergency," it means, "We need" -- "We're just not going to put this in the system and go through the normal process; we're going to pay special attention to your case"?
A. Correct.
MR. SANGER: All right. I'm going to put up 5099, if I may. That's been received.
THE COURT: All right. 11599

Q. BY MR. SANGER: If you were aware -- you haven't seen this before, but this is admitted into evidence.
If you were aware that Janet Arvizo personally, in addition to what her children got, had received a check for $32,000, $32,308, and that she had -- it's dated on November 2nd -- that she had actually deposited it in her bank on November 5th, 2001, would that have affected your decision as to whether or not this was an emergency case?
A. Yes, it would.
Q. Okay. Now, you mentioned that there was a need to fill out a monthly application form, or a monthly -- I'm sorry, what do we call it? It was a monthly form to show that there were no changes; is that correct?
A. Correct.
MR. SANGER: All right. Sorry, Your Honor, excuse me just one second.
Q. I may be wrong, but I'm not sure that I find all the monthly eligibility reports in here. Did you see a set for monthly and then quarterly?
A. I didn't see a set. I believe I saw one.
MR. SANGER: Yeah. With the Court's permission, I'll put this up.
THE COURT: All right.
Q. BY MR. SANGER: And this, for the record, is from 5106 and it's a page somewhere in the middle. 11600

I'll put it back in the same order.
Now, this particular form -- this is the monthly eligibility report that you would expect to be filled out by applicants each month to be entitled to welfare assistance the next month; is that correct?
A. Correct.
Q. Skipping down to the bottom, this one is dated 1-10-03, correct?
A. Correct.
Q. Okay. It appears, it says here, "Received January 9, '03." And then it says, upside down, "SCU scanned." What does that mean?
A. We have clerks that scan the reports as they come in.
Q. Is it possible that these other reports are scanned in the system somewhere and they just didn't make it to the court documents?
A. Yes.
Q. In fact, you would expect that, if somebody received --
A. Correct.
Q. If somebody received assistance the entire time, you would expect to have these every month?
A. Yes. If not, their case would be terminated.
Q. This is really hard to read, so -- I'm going to try to make it harder. I'll make it a little 11601

1 easier there.
2 This question, No. 3, is that a standard
3 question on all of these monthly eligibility
4 reports?
5 A. Yes.
6 Q. And what's the purpose of Question No. 3?
7 A. It's to determine eligibility.
8 Q. And in essence, you want to find out if,
9 during the last month or since the last report,
10 there has been any change, people have come up with
11 some money from some source; is that right?
12 A. Correct.
13 Q. And it says, "Did anyone receive money or
14 benefits from any other source?" All right?
15 A. Correct.
16 Q. And it says, "Include child, spousal
17 support, interest or dividends."
18 Now, that would pertain to interest or
19 dividends on accounts that were held in the name of
20 children; is that right?
21 A. Correct.
22 Q. I'll skip over here. "Legal settlements,
23 strike benefits." Cash is included; is that right?
24 A. Correct.
25 Q. And it wouldn't matter whether it was cash
26 in greenbacks, as they say, or if it was a cashier's
27 check; is that right?
28 A. Correct. 11602

Q. Or a regular check, right?
A. Correct.
Q. Gifts? So a gift would count, right?
A. Correct.
Q. Loans? If somebody said, “Well, I’m going to loan it to the person. If they can pay it back, fine, and if they can’t, it’s okay,” it would still go in there, right?
A. It would still go in the record.
Q. There’s a number of other things here. Basically that’s intended to describe what you mean by “Anyone receive money or benefits from any other source,” right?
A. Correct.
Q. Okay. Now, on 1-10-03, it appears that this applicant said, “No change,” and checked the box “No” there; is that correct?
A. Correct.
Q. There is a second page to this form, is there not?
A. The reverse side.
Q. Should be on the other side? Ahh. Yes, there is. How about that?
And on this form Question 7, it says, “Did anyone move in or out of your home, or did you move in with someone else?” Correct?
A. Correct.
Q. And if somebody had moved in with their 11603

boyfriend and were living there, you would want to know about it?
A. Yes.
Q. What if somebody was just living there about half the time. Would you still want to know about it?
A. Yes.
Q. And this person said, “No.” Is that correct?
A. Yes. That’s correct.
Q. And then, just in case, it’s hard to make it fit yet be able to read it. But in this particular case, it says, “Does anyone have anything else to report, including expected changes, et cetera?” Right?
A. Correct.
Q. So you’re really telling them, “Look, be honest with us. Tell us what’s going on in your life,” right?
A. Yes.
Q. And then this form was signed by Janet Arvizo on 1-1-03; is that correct?
A. Correct.
Q. And was that form relied upon by your office for the purpose of disseminating welfare benefits?
A. Yes.
Q. And you saw some of these checks that I showed you, I think three checks there, from 11604

January, February and March of 2003, the last one being March 17, 2003. Were those checks, based on, in at least one case, this particular form, and in all cases on filing a similar form?
A. Yes, it is.
Q. Now, if somebody received $600 in cash at Christmas because they said they really needed money and a nice person said, “Here, I’m going to give you $600,” is that something that should have been reported on such a form?
A. Yes.
Q. Would that affect eligibility?
A. It could affect eligibility.
Q. Okay. In February of 2003. Now we have a March 17, 2003, check showing welfare was still being received.
If a person received a check in the amount of -- I’m sorry, either check or cash in the amount of $2,000 on February 20th, is that something they should have reported to welfare?
A. Yes.
Q. If a person were receiving several thousand dollars for their living expenses from various sources, from a corporation and from an individual, during a period of time from February to early March, is that something that should have been reported by the person before accepting a March 17 welfare check? 11605

A. Yes.
MR. SANGER: With the Court's permission,
I'll put up the next page in order.
THE COURT: Yes.
Q. BY MR. SANGER: Oh, before I do that, let's
assume somebody receives a windfall. They get a lot
of money and they got their February check and they
know they got all this money. They don't report it
for some reason, and they get their March 17 check.
Is it proper for them to keep that check?
A. It all depends when they received this
amount of money.
Q. If they received the -- let's say they
received the amount of money between -- during the
month of February and then they go ahead and get a
check March 17, and deposit it or cash it sometime
later in the month. Is that appropriate or should
they refuse to cash it?
MR. AUCHINCLOSS: I'm going to object as
vague as to the term "appropriate" or "proper."
THE COURT: Overruled.
You may answer.
THE WITNESS: They should report it. And if
they received it in January, it would affect their
March.
Q. BY MR. SANGER: Okay. Would February affect
their March?
A. We would consider it as a resource and we 11606

would have to do a work sheet on it. Yes, it would.
Q. So before they are really entitled to a March 17 check, you'd theoretically want to know about what money they received in February?
A. Yes.
Q. And welfare -- recipients of -- people who are receiving these benefits from the government are advised, are they not, that they have to report any significant changes in their situation?
A. Yes.
MR. SANGER: I'm going to now, if I may, put up the next page.
Q. First of all, who is Pamela Adkins?
A. I believe she's another worker at the Lincoln Heights office.
Q. So we have, "Attention: Pamela Adkins" with a little heart over the "i" there. So this is a note to somebody in your office; is that correct?
A. Correct.
Q. And the fax number, is that a fax number you're familiar with?
A. That's a fax number to Lincoln Heights.
Q. All right. I'm not sure -- let me just see, here. Don't -- just -- if I may, let me put it up and see if you can read it there. Otherwise I'll bring it up to you.
Can you tell what the fax date on this is?
A. No. 11607

MR. SANGER: Okay. May I approach the witness?
THE COURT: Yes.
Q. BY MR. SANGER: Of course now you're sitting in the dark, which is apparently my fault here. But can you see that?
A. I can see partially.
MR. SANGER: If I may just ask the question up here, Your Honor.
THE COURT: Yes.
Q. BY MR. SANGER: Can you tell me what date that was faxed?
A. It appears to be March 3rd, 2003.
Q. Okay. Very well. Now I'm going to put this up again. And it says, "I, Janet Arvizo, chooses to discontinue and be off of the welfare system aid effective today, 3-3. Thank you so much, Janet Arvizo." Do you see that?
A. Yes, I do.
Q. Do you often receive letters like this?
A. We do receive.
Q. So people tell you that circumstances have changed and they're no longer going to be on welfare?
A. Yes.
Q. After this was sent, apparently this check of March 17 was cut and eventually sent to Janet Arvizo. Why would that be? 11608

A. Because we have a cut-off date. If they wanted their aid terminated the beginning of March, that would be for the end of February they would give us notice. But this seems that she did this in March, and everything was already mailed out to be batched out.
Q. So the check was in the pipeline one way or another?
A. Right.
Q. All right. Now, if this person who wrote this, Janet Arvizo, had, in fact, during the month of March, between -- I'm sorry, let me withdraw that.
During the month of February of 2003, if Janet Arvizo had received several thousand dollars in gifts, spa treatments, trips to Miami, private jet flights, lodging, food, if she had received that sort of thing during the month of February, should she have reported that to the welfare department?
A. Yes.
Q. Now, if Janet Arvizo had, in fact, been living with her boyfriend, a major in the United States Army, who was paying her expenses and depositing her welfare checks in his bank account, should she have reported that?
MR. AUCHINCLOSS: I'm going to object as compound and assumes facts not in evidence, improper hypothetical. 11609

MR. SANGER: I'll break it down, if you like.
THE COURT: The objection is sustained.
Q. BY MR. SANGER: Okay. Let's take it one at a time.
If a person were -- I think I asked you this part already, but let me just be sure. If a person were residing -- a welfare applicant or participant were residing with her boyfriend in his apartment, is that something that should have been reported to the welfare department before accepting checks?
A. Yes.
Q. If that person, in this case Janet Arvizo, were in fact depositing her welfare checks into her boyfriend's bank account, is that something that should have been reported?
A. Yes.
Q. If the boyfriend were a major in the United States Army, with a base pay, exclusive of allowances, a base pay of over $5,000, is that something that should have been reported to the welfare department?
A. Yes.
Q. If the boyfriend, the major in the United States Army, were, in fact, paying expenses for Janet Arvizo, is that something that should be reported?
A. Yes. 11610

Q. Would each of those factors have an impact on the eligibility of that person to receive welfare?
A. Yes.
Q. And I'll ask you to assume, for the moment, that those facts are true that I just recited with regard to the boyfriend. Janet Arvizo was living there. He was a major in the United States Army. He was depositing her checks and he was paying some of the expenses, and his income was $5,000 -- more than $5,000 per month base pay. Would that cause her to be ineligible for the type of welfare that you see in this file?
A. No.
Q. So she would still be able to get all this welfare?
A. Not "all."
Q. Okay. How would it affect her welfare?
A. We would determine what the cost -- what he's paying, and we would include it as in-kind, and we would deduct that from the amount of her grant. If he's purchasing -- and they're purchasing and preparing their food together, their whole income has to be counted as one.
Q. All right. So you would have to do a calculation to see if she'd still be entitled to welfare?
A. Correct. 11611

Q. Now, if he had an automobile and she had the use of the automobile, is that something that you would want to have reported?
MR. AUCHINCLOSS: I'm going to object.
Assumes facts not in evidence.
MR. SANGER: The testimony of Mrs. Arvizo.
THE COURT: The objection is overruled.
Q. BY MR. SANGER: Is that something you would want to know?
A. If the vehicle's not in her name, it would not be counted towards her grant.
Q. So there's a question on the original form about having the use of a vehicle. Is that something you do not have to disclose in the monthly updates?
A. Not on a monthly update.
Q. Okay. Now, if somebody is receiving more welfare than they're entitled to, is that a concern that you have?
A. Yes, it is.
Q. And you had mentioned in your lay version of fraud -- I'm not asking for a legal opinion, but you said you were trying to avoid fraud. Is that fraud that you're trying to avoid?
A. Yes.
MR. SANGER: Now I'm going to refer -- if I may, Your Honor, this is the one I put up first, the Statement of Facts, which turns out to be 11612

chronologically second.
I wanted to make sure everything was in the
same order.
Q. Taking a look at this, this says -- this is
a Statement of Facts, and it says, “Current print
date 10-23-02,” correct?
A. Correct.
Q. And I think we covered before that it says,
“For application dated 11-15-01”; is that right?
A. Correct.
Q. So the next year, this is the one where Miss
Arvizo came back and talked to Pamela Adkins in your
office; is that right?
A. Correct.
Q. And we go through the same questions here as
of 10-23-02 that we covered in the other form. The
form remains the same. It didn’t change; is that
right?
A. Correct.
Q. And there remains the question, for
instance, No. 53, which I’ll now put up with the
Court’s permission: “Has anyone received money from
insurance or court settlements, inheritance, lottery
or back pay in the last three years?” Correct?
A. Correct.
Q. So once again, that same settlement -- if a
settlement were received for $152,000 November 5th,
2001, that should have been disclosed in response to 11613

1 that question even a year later, correct?
2 A. Yes.
3 Q. And if the children of the applicant still
4 had bank accounts that had money in them, is that
5 something that should have been disclosed in this
6 form?
7 A. Yes.
8 Q. And it appears that it was not disclosed in
9 this form; is that correct?
10 A. Correct.
11 MR. SANGER: And I'm going to put the last
12 page on, if I may, Your Honor.
13 THE COURT: Yes.
14 Q. BY MR. SANGER: And this is the signature
15 page, once again showing under penalty of perjury
16 under the laws of the United States of America and
17 the State of California; is that correct?
18 A. Correct.
19 Q. And it appears that Janet Arvizo signed this
20 form on 10-23-02?
21 A. Correct.
22 Q. And the -- besides the monthly and later
23 quarterly updates -- I always forget the name of
24 that. Whatever they're called, the monthly
25 eligibility reports. In addition to that, the
26 department, your department, relies on these
27 Statement of Facts, these annual Statement of Facts
28 in order to award welfare? 11614

A. Correct.
Q. All right. I'm going to put -- actually, this part of it being a little bit out of order here, there are a number of documents that you use -- or let me withdraw that.
There are a number of documents generated when there's a claim of domestic violence; is that correct?
A. Correct.
Q. Do the applicants always bring in their police reports and divorce papers?
A. No, not always.
Q. In this case, do you know if Mrs. Arvizo brought in papers?
A. I believe she did.
Q. Okay. And back in 2001 -- I apologize for the lack of sequence here, but I just discovered these. Back in 2001, did Janet Arvizo indicate that she did not want to go to a shelter?
A. Yes, sir.
Q. And you gave her a form that gave information about domestic violence information -- I'm sorry, that's redundant. You gave her a form entitled, "Confidential Domestic Violence Information"; is that correct?
A. Yes.
Q. And that told her about her -- the sorts of things that she could avail herself of in addition 11615

to the actual money that you were dispensing; is that right?
A. Yes.
MR. SANGER: Okay. I think I'm almost through here, Your Honor. Just one more moment.
Q. Did it appear at some point that you realized -- I'm sorry.
Did it appear at some point from this file that your department became aware that Janet Arvizo was receiving other assistance? Do you want to look at the file so --
A. Yes.
Q. You don't know without looking?
A. No, I would not.
Q. All right. I'm going to approach with these three pages of the exhibit.
I've just handed you three pages that appear to apply to other benefits other than the DPSS benefits; is that correct?
A. Correct.
Q. And what does that show?
A. That she was entitled to receive -- that she did receive disability benefits.
Q. Okay. So is that something that -- a check that you run through your computer somehow?
A. Yes. There's a match.
MR. SANGER: May I approach and exchange documents? This one for that one. 11616

Q. This is a document I've located in your file. It appears to be a rent receipt, and it's in the Janet Arvizo file from your department. Why would that be in there?
A. It's to -- we use a rent amount in order to calculate her food stamp allotment.
Q. Okay. And that shows that Raymond Trujillo was getting 400-and-some dollars a month; is that correct?
A. Correct.
Q. So in the course of calculating her food stamp allowance, you were assuming that she was actually paying rent in October of 2002 of 400-and-some dollars a month; is that correct?
A. Correct.
Q. If you were aware that the landlord had allowed her to stay in that apartment rent free for a period of time, would that have been something that should have been reported to you?
Let me withdraw that, because that question made no sense, if you're aware of it.
Let me put it this way: If a person presenting a rent receipt like that in fact had been given free rent for a period of time by her landlord, is that something that should have been reported to you?
A. Yes.
Q. And if, in fact, in 2003, in January and 11617

February, somebody else was paying that rent, that $425 a month, is that something that should have been reported to the department?
A. Yes.
MR. SANGER: Okay. If I may retrieve that so I can put it back in the same place here. Okay. I have no further questions of this witness at this time.

CROSS-EXAMINATION
BY MR. AUCHINCLOSS:
Q. Good afternoon, Miss Manrriquez.
A. Good afternoon.
Q. Tell me, why is there a domestic violence unit in the welfare department?
A. We have a domestic violence worker, and the reason is that we want to make sure that we take care of those people. We don't want to put them in any danger. We want to take them out of that.
Q. Do they have special needs that need to be addressed in the welfare system that are different from your average recipient of welfare?
A. Their safety.
Q. Okay. And when you spoke to Janet Arvizo back in 2001, did she express concern for her safety in regards to her domestic violence situation?
A. Yes, she did.
Q. In what way did she express her concern for 11618

her safety?
A. That she was afraid to go back home.
Q. All right. In fact, did she ask for an escort from the welfare department to accompany her to her home to make sure she was safe?
A. We don't escort our participants.
Q. But isn't there a request in the file from her to obtain an escort --
A. Yes, there is.
Q. -- to transfer her home, to help her get home safely?
A. Yes.
Q. Now, in your reports, your official reports indicate that she was receiving welfare, food stamps and Medi-Cal; is that correct?
A. Correct.
Q. And the Medi-Cal covers insurance, health insurance, over and above an individual's needs that are covered by their own insurance; is that correct?
A. Correct.
Q. So if a person has their own insurance, that doesn't exclude them from Medi-Cal?
A. Does not exclude them.
Q. So if Janet Arvizo had insurance coverage, that wouldn't prevent her from getting these benefits?
A. No, it would not.
Q. Do you know if she received any Medi-Cal 11619

benefits?
A. Medi-Cal goes hand in hand with Cal-Works.
Q. But if she actually received any insurance proceeds from Medi-Cal, do you know if any --
A. I don't know.
Q. Okay. And as far as her -- as far as her receiving disability, counsel asked you a few questions about that, that she received some disability benefits; is that right?
A. Yes.
Q. And were those disability benefits for a time when she was unable to work because she had to have surgery?
A. Yes, it is.
MR. SANGER: Objection. Well, calls for speculation.
MR. AUCHINCLOSS: Well, is that reflected -- I'll let the Court rule.
THE COURT: What you're asking her is if that's on the application?
MR. AUCHINCLOSS: Yes.
THE COURT: Rephrase your question.
Q. BY MR. AUCHINCLOSS: The question, really, I have is based upon your records. Is it reflected that Janet Arvizo had to have some surgery, and that's why she went on disability for a period of time?
A. It's noted at the intake. 11620

Q. Okay. And that was for a limited period of time while she was going through her medical procedures?
A. I believe so.
Q. Okay. In your experience, how diligent are welfare recipients, if you can characterize, about these details concerning reporting gifts, reporting if someone lets them use their car, that kind of thing? How --
MR. SANGER: Objection. Compound; vague; and not relevant.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Do you often find that at Christmastime people come rushing down to the welfare office to report their Christmas gifts?
MR. SANGER: Objection; argumentative.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: When did the quarterly notices go into effect?
A. Quarterly notices, I believe -- I want to say July of 2004. I thought it was '3, but it may be 2004. We just went in -- Cal-Works --
Q. Okay.
A. -- just went into quarterly reports.
Q. Did you say before it was 2003?
A. I did. But I believe it's 2004.
Q. Are you sure?
A. I'm not positive. 11621

Q. Is it possible that it was in effect in 2003, based on your recollections?
A. It may have been. But like I say, I'm not positive.
Q. If a mother sets up a trust account for their child, based upon proceeds from a personal injury case, and this trust account cannot be touched by the mother or by the child until that time -- the time that the child reaches maturity, 18 years old, would that affect a person's right to receive welfare?
MR. SANGER: Objection. Improper hypothetical. It assumes facts not in evidence.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Can you tell me if funds placed in trust for a child, let's say by a lawyer, that the child cannot receive, would that affect -- would those funds placed in trust that the child cannot touch, would that affect their eligibility for welfare?
MR. SANGER: Objection; assumes facts not in evidence.
THE COURT: Overruled.
THE WITNESS: Yes, it would.
Q. BY MR. AUCHINCLOSS: Okay. And if the funds cannot be used for current needs, why would that limit eligibility for welfare?
A. They would have to actually bring in a 11622

statement saying that they cannot touch it, but even if they were to be penalized for withdrawing that money.
Q. I'm saying they can't withdraw the money even with penalty. It cannot be withdrawn. It's untouchable.
MR. SANGER: I object. This calls for speculation; it's an improper hypothetical; assumes facts not in evidence.
MR. AUCHINCLOSS: I believe counsel's asked numerous questions about interest on these accounts.
THE COURT: Sustained.
THE WITNESS: I believe it still would have --
THE COURT: Just a minute. He has to ask another question.
THE WITNESS: Oh, I'm sorry, sir.
Q. BY MR. AUCHINCLOSS: If a child is going to receive benefits at 18 that he cannot receive before that time, regardless of the benefit, okay? It's an item that the child cannot receive. The child is, let's say, a teenager. Would that affect eligibility for welfare?
MR. SANGER: Well, again, improper hypothetical; assumes facts not in evidence.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: All right. If a welfare recipient does not have a bank account of their own, and they allow a friend to cash that 11623

check for them, and then they obtain those welfare benefits from that friend, is that a violation of the rules of receiving welfare?
A. No.
Q. Okay. So if an individual has a boyfriend and she uses his account to simply cash the check, and then she receives those funds, that's not a violation?
A. That's not.
Q. What about if she uses those funds to be deposited into his account and then he, in turn, writes a check, for instance, to her landlord. In other words, using the funds for the benefit intended, but it's just run through the paperwork in that fashion. Is that a violation? Do you understand the question?
A. I believe I do understand, and he's the one -- we, in our department, would say he is the one paying the bills.
Q. Okay. But if -- let's say the boyfriend simply writes the check to the landlord. She gives him $450 from her welfare. He writes a check to the landlord -- for $450 to the landlord. Is that a problem?
A. Yes, it would be.
Q. And why would that be?
A. We are now looking that he's making out the check. He's paying it. 11624

1 Q. Okay.
2 A. He's the one that's paying the rent.
3 Q. Even though the benefit to the welfare
4 recipient is the same?
5 A. Correct.
6 Q. Would that term be something more technical
7 in nature?
8 A. Yes.
9 Q. All right. And as far as receiving, let's
10 say, a trip to Miami, suppose someone takes you to
11 Miami, pays for your plane fare to Miami, allows you
12 to stay, at their expense, at a hotel for a couple
13 of days, and then you fly back, all at the expense
14 of this friend. Is that something that's going to
15 affect your eligibility for welfare?
16 A. No.
17 MR. AUCHINCLOSS: All right. Thank you. I
18 have no further questions.
19 MR. SANGER: Okay. Let's just pick up where
20 we left off.
21
22 REDIRECT EXAMINATION
23 BY MR. SANGER:
24 Q. If during the month of February, let us say,
25 somebody not only takes the trip to Miami, has all
26 expenses paid, including food, but during this same
27 period of time they then return and stay, all
28 expenses paid, somewhere during the entire month, 11625

including another luxury hotel for a period of time, including a beautiful home that belongs to a major celebrity. The whole month, in essence, they're taken care of. Is that something that needs to be reported?
A. If it's over 30 days that they're out of their home, they need to report that.
Q. Okay. So if it was from February 6th to March the 12th, where either the children or the parent, or both of them, were out of the home, living all expenses paid on somebody else's nickel, is that something that should have been reported?
MR. AUCHINCLOSS: Objection. Compound; assumes facts not in evidence.
THE COURT: Sustained.
Q. BY MR. SANGER: You're basically looking to find out if this is somebody who, month to month, has a need for welfare, correct?
A. Yes.
Q. Okay. Now, I posed several hypotheticals to you. And I want to avoid doing them all again, but we had a number of expenses that were paid that we talked about being paid that include not only lodging, but food, purchase of gifts, spa treatments, full body waxes, cosmetics. If somebody was receiving that kind of a treatment for a month, is that the sort of person who should also be receiving a check from the 11626

government for welfare?
MR. AUCHINCLOSS: Objection. Vague, compound and assumes facts not in evidence. I'll throw in argumentative, too.
THE COURT: Sustained.
Q. BY MR. SANGER: Do you want to have accurate information on your monthly reports so that you can evaluate who's really entitled to welfare in this state when you're doing the job as an eligibility worker?
A. Yes.
MR. AUCHINCLOSS: Objection. Asked and answered; beyond the scope.
THE COURT: Overruled.
MR. SANGER: I'm sorry, did you rule, Your Honor?
THE COURT: Overruled.
MR. SANGER: Thank you. And the answer came in?
THE COURT: I believe so.
MR. SANGER: Okay. Now, I'd like to put up 5098. 5099 first, if I may.
MR. AUCHINCLOSS: I'm going to object as beyond the scope.
THE COURT: Overruled. Go ahead.
Q. BY MR. SANGER: All right. I think I showed you this check for $32,307.88, something like that, and asked you about this previously. The District 11627

Attorney asked you about some kind of trust account.
If Janet Arvizo, in fact, had access to this
money, no matter whose name the account was in, is
that something that should have been reported on her
initial form on 11-15-01?
A. Yes.
Q. Okay. And I'll put up 5098, if I may. This
has been received into evidence that there was, in
fact, a cashier's check to Hollywood Ford, but
there's no indication as to who actually got the
proceeds from this check. However, it was withdrawn
shortly after the money was deposited in Miss
Arvizo's account and it was withdrawn by Miss Arvizo
herself.
Is that the kind of financial transaction
that you would want to know about days before
deciding whether or not she's entitled to welfare?
A. Yes.
Q. I believe -- it's hard to see, and I
apologize. I believe that's November 9th. I think
that's what it says up there.
Now, those -- if somebody has access to
funds and uses the funds, it doesn't matter what the
name of the account is, does it?
A. As long as they're a household member.
Q. Okay. So now we'll move on to -- there's
one question to which there was not an objection
sustained that had to do with a trust account. 11628

If the children of Miss Arvizo, Star and Gavin, received between them in excess of $40,000 at this same time that you just saw these transactions for Janet Arvizo herself, if they received an additional $40,000, whether --

MR. AUCHINCLOSS: I'll object to the amount. Misstates the evidence.

THE COURT: Go ahead. Complete your question.

MR. SANGER: Well, let's do it -- just so -- I believe that's correct, but let me just put it this way.

Q. If one child received in excess of 25,000 and the other child received in excess of $10,000 at the same time that this transaction occurred when Mrs. Arvizo received her $32,000, and that money was put in any kind of a bank account for their benefit, is that something that was required to be disclosed to your department on these forms?

A. Yes.

Q. Now, the District Attorney in that question about a trust account -- does it matter whether it's a trust account or not a trust account, if they received the money for their benefit?

A. No, it should be reported.

Q. And if it's reported and there's some argument about it, you would want to see all the documentation about that account; is that correct? 11629

A. Correct.
Q. But the form clearly says you have to report any money in bank accounts for any of the people in the family; is that right?
A. Correct.
Q. All right. There were questions about the boyfriend paying the rent, and I got lost on some of that, but basically one of the concerns that you have in your department is that participants will receive benefits, let us say, and at some point their circumstances change and they start living with someone else who starts providing for their basic needs, and you need to know about that; is that correct?
A. Correct.
Q. All right. And it's not uncommon that people will move in with a boyfriend or a girlfriend, and that boyfriend or girlfriend will start paying for things that the participant previously had to pay for out of his or her own pocket, correct?
A. Correct.
Q. And part of your screening process for each month's eligibility is to determine whether or not that has occurred, correct?
A. Correct.
Q. And if you aren't told about it, you don't have an ability to evaluate it; is that right? 11630

A. Correct.
Q. And you believe that it's -- that it's part of the reporting requirement that a person who moves in with a boyfriend, and the boyfriend is not only cashing the welfare checks, but also paying rent and paying other expenses on behalf of the participant, that that participant has an obligation to report that so you can evaluate it, correct?
A. Correct.
MR. AUCHINCLOSS: Objection; asked and answered.
THE COURT: Compound. Sustained.
MR. SANGER: It wasn't asked and answered? If it wasn't, I won't ask any more questions.
THE COURT: Okay. Asked and answered.
MR. SANGER: There you go. Okay. I have no further questions.

RECROSS-EXAMINATION
BY MR. AUCHINCLOSS:
Q. Just real quickly, clearly if Mrs. Arvizo received a $30,000 settlement, that should have been reported and mentioned to welfare; isn't that fair to say?
A. Correct.
Q. The only question that I have remaining is not whether or not the reporting of funds placed in a trust account for children should have taken 11631

place. My question is, provided that children --
the children in the family received those funds,
they were placed in trust, and they cannot be
touched until the children became adults, that
wouldn't affect the eligibility for welfare, would
it, just as far as eligibility goes?
MR. SANGER: Objection. Improper
hypothetical; assumes facts not in evidence.
THE COURT: Sustained.
MR. AUCHINCLOSS: I believe there are a
couple of exhibits that are in evidence, 820 and
824, dealing with the trust.
THE COURT: Let's see. I don't have those up
here.
MR. AUCHINCLOSS: I can tell you my
foundation based on -- at sidebar if you want.
THE COURT: I'll look at your exhibit.
MR. AUCHINCLOSS: 821 and 820.
THE COURT: The problem that I'm having with
your hypothetical is that the....
See, the problem in the exhibits is that
under these compromises for minors, the Court can
always authorize the release of funds. So, every
question you've asked, with the exception of one,
presupposed that the minor couldn't get to the
funds. And it's just not the law. The law is that
the Court can give access to the funds. That's what
the document says. So let's go to our next 11632

1 question.
2 MR. AUCHINCLOSS: All right. I have no
3 further questions then. Thank you.
4 THE COURT: All right.
5 MR. SANGER: Nor do I.
6 THE COURT: Thank you. You may step down.
7 THE WITNESS: You're welcome.
8 THE COURT: Call your next witness, please.
9 MR. MESEREAU: Thank you, Your Honor. The
10 defense will call Miss Marian Arvizo.
11 THE COURT: When you get to the witness
12 stand, please remain standing.
13 Face the clerk here and raise your right
14 hand.
15 MARIAN ARVIZO
16 Having been sworn, testified as follows:
17
18 THE WITNESS: I do.
19 THE CLERK: Please be seated. State and
20 spell your name for the record.
21 THE WITNESS: My name is Marian Arvizo.
22 Spelled M-a-r-i-a-n; Arvizo, A-r-v-i-z-o.
23 THE CLERK: Thank you.
24
25 DIRECT EXAMINATION
26 BY MR. MESEREAU:
27 Q. Good afternoon, Miss Arvizo.
28 A. Good afternoon. 11633

Q. Miss Arvizo, are you related to David
Arvizo?
A. Yes, I am.
Q. How are you related to him?
A. I'm his sister.
Q. Okay. And do you live in the Los Angeles
area?
A. I do.
Q. Okay. Do you know Janet Arvizo?
A. Yes, I do.
Q. And how do you know her?
A. She was married to my brother David Arvizo.
Q. Approximately when did you first meet Janet
Arvizo, just approximately?
A. About 19 -- about 18, 19 years ago.
Q. Okay. And did you stay in contact with her
through the years?
A. No.
Q. Okay. Did you at some point learn that
Gavin Arvizo was ill?
A. Yes, I did.
Q. And how did you learn that?
A. Through fellow neighbors in the neighborhood
that I live in, that my family lived in, in South El
Monte.
Q. This is El Monte?
A. In South El Monte.
Q. Okay. Now, at this point in time, when you 11634

learned that Gavin was ill, were Janet and David still together?
A. Yes, they were.
Q. Okay. And did you visit Gavin at the hospital?
A. No, I didn’t.
Q. Did you get involved in any efforts to do any drives for Gavin?
A. Yes, I did.
Q. What did you do?
A. I organized a blood drive that was held at the Von’s warehouse in El Monte.
Q. Now, approximately when did you start organizing the blood drive for Gavin?
A. I don’t remember the dates and times. It was probably maybe -- it was at the time where he was needing -- he was needing blood transfusions pretty frequently. And what happened was, is that the news had put out that they needed blood for him --
Q. Okay.
A. -- because --
Q. Let me just ask one question at a time, if I can. Thank you.
You say that the news had put out information that there was a need for blood for Gavin?
A. Yes. 11635

Q. And did you hear that on the news?
A. Yes, I did.
Q. So you were not talking to Janet when you learned that?
A. No, I didn't.
Q. And did you learn there was a particular type of blood that he needed?
A. Yes.
Q. And how did you learn that?
A. On the news.
Q. Okay. What did you do after you learned that information on the news?
A. I -- I started to see if I can organize a blood drive to get more of the blood type that he needed, because it was a rare blood type.
Q. What did you do to organize the drive?
A. I had a -- I knew of a woman that worked at Kaiser, who was in charge, by the name of Marie Triggs. And I talked to her and asked her how would I go about organizing a blood drive to help them out to make sure he had enough blood.
Q. And did you learn from her what to do?
A. Yes. She did help me to organize the blood drives.
Q. And Kaiser was the hospital that Gavin was -- the hospital that Gavin was being treated at?
A. Yes, she was -- he was.
Q. And what did you do to put a blood drive 11636

1 together?
2 A. We talked to one of the supervisors at the
3 Von's warehouse, and he opened up the warehouse for
4 us to come in and have the guys donate blood.
5 And Marie Triggs and I met there, and we
6 went into the warehouse and set up in the break room
7 and did a small blood drive there with all -- I
8 don't remember how many units of blood she got that
9 day, but there was quite a few people that donated.
10 Q. Now, why did you choose Von's to do the
11 drive?
12 A. I'm also an employee for Von's, and I had
13 heard through several people that there was a lot of
14 guys at the warehouse that were interested in
15 donating blood.
16 Q. You say you're also an employee of Von's.
17 What did you mean by that? Who else are you
18 referring to that was employed there?
19 A. My brother, David.
20 Q. That's David?
21 A. Yes.
22 Q. And so you both were working at Von's at the
23 same time?
24 A. He works in the warehouse now and I work in
25 the stores.
26 Q. Okay. And was David working at this point
27 in time at Von's; do you know?
28 A. No, I believe he was out. 11637

Q. Okay. Was he out to visit David (sic) at the hospital?
A. I believe he was still with Gavin and going through his -- the chemo and all the --
Q. Right.
A. -- at the hospital.
Q. So you had a blood drive, right?
A. Yes.
Q. At Von's?
A. Yes.
Q. And approximately how many people do you think came to the blood drive?
A. I would say maybe 25 or 30.
Q. Were they mostly people from Von's?
A. They were all the guys in the warehouse.
Q. Okay. And did you actually obtain blood for Gavin?
A. Yes, we did.
Q. Okay. And did you do more than one blood drive?
A. Yes. We did -- also did a second blood drive. One of my sisters, her sister-in-law's church donated the church recreational room. And Marie Triggs, my sister Karen and myself, we all met down at the church and we had a small blood drive there. It was just announced at the church, so we mostly had -- mostly had church members that came in to donate. 11638

Q. Now, did you communicate with Janet Arvizo about the blood drives you were organizing?
A. No, I didn't.
Q. Did you ever talk to her at all about it?
A. No, I didn't.
Q. Okay. Did she ever contact you about a blood drive?
A. Yes, she did.
Q. And approximately when was this, do you think?
A. I don't remember a certain day and time.
Q. And do you remember whether or not she wanted to participate in the drive?
A. She didn't seem to want to participate. She -- I didn't talk to her before the blood drives. I talked to her -- I talked to her before the blood drives, not while I was doing the blood drives.
Q. And did you offer her the opportunity to get involved?
A. No, I didn't.
Q. Did you offer the opportunity to give her views about whether this was a good idea?
A. Well, there was a letter that went in the City of South El Monte that had information on our family, because we had been in the city for so many years, and that letter actually just said if you are willing to donate blood for Gavin, and gave a specific blood type, that to donate it at the Kaiser 11639

1 on Sunset, and just thanking -- you know, “On behalf
2 of the entire Arvizo family, we thank you.”
3 And Janet did call me on that.
4 Q. Did Janet ever complain to you about the
5 blood drive?
6 A. Yes, she did.
7 Q. What did she say?
8 A. She told me that she didn’t need my fucking
9 blood. That she needed money.
10 Q. And did she call you on the phone when she
11 said that?
12 A. Yes, she did.
13 Q. Are you okay?
14 A. Yes.
15 Q. What was your response, if any?
16 A. I think I just hung up on her.
17 Q. Did you ever talk to her again about the
18 blood drive?
19 A. No, I don’t believe so.
20 Q. How many drives do you think you organized
21 for Gavin?
22 A. There was two blood drives.
23 Q. The second one was at the church?
24 A. The second one was at the church.
25 Q. Okay. Now, after David and Janet separated,
26 do you recall an incident where Gavin, Star and
27 Davellin were swimming?
28 A. Yes, they came over to my house and went 11640

swimming.
Q. Okay. Now, was this long after the
separation; do you know?
A. No. It was just in the beginning of the
separation.
Q. Okay. And they went swimming at your house?
A. Yes, they did.
Q. And this was in El Monte?
A. This is in Covina.
Q. Covina, okay. All right. And do you recall
Star -- whether or not Star ever made a comment
about a house they were going to move to?
MR. ZONEN: Objection; hearsay.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Did you ever learn from
Star that the family might move to the Hollywood
Hills?
MR. ZONEN: Objection; hearsay.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Did you ever say anything
to Star Arvizo about the family's moving to the
Hollywood Hills?
MR. ZONEN: Your Honor, the third objection.
Hearsay.
THE COURT: Sustained.
MR. ZONEN: Ask for an admonition.
THE COURT: Next question.
MR. MESEREAU: I'll move on. I'll move on, 11641

Your Honor.
Q. Have you had any contact with Janet since the conversation you just described?
A. No, I haven't.
Q. Okay. Have had you had any contact with any of the Arvizo children since the drives?
A. No.
MR. MESEREAU: No further questions.
THE COURT: Cross-examine?

CROSS-EXAMINATION
BY MR. ZONEN:
Q. Ms. Arvizo, good afternoon.
A. Good afternoon.
Q. Do you know a Connie Keenan?
A. Do I know Connie Keenan? No, I don't.
Q. You never met her?
A. I believe I met her today.
Q. That's the first time you've ever met her?
A. Yes.
Q. Had no prior association with her at all?
A. No.
Q. Did you have a prior association with anybody who works at Mid Valley News?
A. No, I don't.
Q. Had you ever talked with anybody at Mid Valley News?
A. No, I didn't. 11642

Q. Now, you testified that the manner in which you became familiar with the fact that your nephew needed this blood was from the news account; is that correct?
A. Yes, I did.
Q. Was that a news account on the radio or news account on television?
A. On television.
Q. On television?
And had you seen that throughout El Monte on a number of occasions or just on one occasion?
A. Actually, I was viewing the television set at my house in Covina.
Q. You and your brother both work at Von's; is that right?
A. Yes, we do.
Q. Did you both work at the same Von's?
A. No. He works in the warehouse and I work in the actual grocery stores.
Q. And do you work in more than one store?
A. No, I work in one store.
Q. Is there a reason your brother didn't tell you about the need for blood?
A. I didn't have contact with my brother.
Q. During that period of time?
A. No, I didn't.
Q. During the time that you were raising money on behalf of Gavin -- excuse me, raising -- not 11643

"raising," but recruiting volunteers to donate blood on behalf of Gavin, had you had any contact with your brother at all during that time?
A. Yes, I did.
Q. And did he tell you about the need for blood that Gavin was experiencing at that time?
A. I explained to him that I was having -- organizing blood drives and doing the best I can to get the information out. As far as him being involved, no.
Q. And was that during the time that you were organizing the blood drives?
A. Yes, it was.
Q. And prior to that, how long had it been since you had spoken with your brother David?
A. About 15 years.
MR. ZONEN: Thank you. No further questions.
MR. MESEREAU: No further questions, Your Honor.
THE COURT: Thank you. You may step down. Call your next witness.
MR. MESEREAU: Your Honor, shall we call a witness or have a break? Whatever you like.
THE COURT: Do you want to break early?
MR. MESEREAU: Sure.
THE COURT: All right.
(Recess taken.) 11644

THE COURT: I'm sorry. We took a few minutes longer. We're trying -- as you know, we're getting to the end of the trial. We're --
Is that a sigh I heard?
What Mr. Sneddon and Mr. Mesereau and I were trying to do was just get a feel for where we are and schedule it out in our own minds. We didn't reach any conclusion. We're going to talk again tomorrow, but when we get our --
I think I left my cell phone on. I'm out of here.
THE BAILIFF: I have the "Sorry" card.
(Laughter.)
THE COURT: How can I follow that?
As soon as we figure out a plan here so that you'll -- we'll tell you, so you know what the schedule for arguments and jury instruction will be, but I don't think we can do that right at this point. We didn't get that final conclusion.
All right. Mr. Mesereau, would you call your next witness?
MR. MESEREAU: Yes, thank you, Your Honor. Defense will call Ms. Connie Keenan.
THE COURT: When you get to the witness stand, please remain standing.
Face the clerk and raise your right hand.
//
// 11645

CONNIE KEENAN
Having been sworn, testified as follows:

THE WITNESS: I do.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: My name is Connie Keenan. C-o-n-n-i-e, K-e-e-n-a-n.
THE CLERK: Thank you.

DIRECT EXAMINATION
BY MR. MESEREAU:
Q. Good afternoon, Miss Keenan.
A. Good afternoon.
Q. Miss Keenan, how are you employed?
A. I'm sorry, I didn't hear --
Q. How are you employed?
A. I am an editor for a community newspaper.
Q. Which newspaper is that?
A. That's the Mid Valley News.
Q. Where is that newspaper circulated?
A. In El -- well, we circulate in seven cities. The City of El Monte, South El Monte, Rosemead, Monrovia, Arcadia and Temple City.
Q. And how long have you been doing that?
A. Since 1999, June.
Q. Okay. And have you been in the newspaper business before that day? 11646

A. Yes.
Q. And please just summarize what work you've done in the newspaper business.
A. I was a reporter, a political reporter, for The Independent Voice in San Diego Valley. Before that, I was fashion editor for Teen Magazine.
Q. Now, where is your office located?
A. Our -- my office is 11401 Valley Boulevard, Suite 100, El Monte.
Q. Okay. At some point in time, did you meet someone named Janet Arvizo?
A. I have never met Mrs. Arvizo.
Q. Have you spoken to her?
A. Yes, I have.
Q. And do you recall the circumstances under which you spoke to her?
A. Mrs. -- I had assigned a story about her son to a college intern I had at the time by the name of Christie Causer. And I had some bad feelings about the whole incident and the whole story, and the mother wanted an additional story because she didn't make money enough money from the first story. And that's her words, not mine.
Q. Which story did you authorize the paper to publish?
A. I authorized "Gavin Still Smiles," which was the story about Mrs. Arvizo's son, who was suffering from cancer at the time. And the general thrust of 11647

the story is with the family was very, very bad off. They were losing their car. They were losing their home. And it's not a story we normally do. It was one I did not want to do. However, Mrs. Arvizo did play on some sympathies in the office, and it kind of -- I assigned it to Christie to do, because I didn't want to deal with it.
Q. Now, how did you begin to even think about doing such a story?
A. Mrs. Arvizo called the office.
Q. Okay.
A. And she con -- she continually called the office, and I had told my secretary to tell her --
MR. SNEDDON: Your Honor? Excuse me. I'm going to object on the basis of hearsay unless it's a personal conversation that she had with Mrs. Arvizo. Move to strike.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Let me ask you --
THE COURT: Stricken.
MR. MESEREAU: I'm sorry.
THE COURT: Go ahead.
Q. BY MR. MESEREAU: Okay. You at the time -- let's set a time. What year was this, if you know?
A. This would be year 2000.
Q. Okay. And you were editor at that time?
A. Yes.
Q. And does your newspaper have a particular 11648

thrust, a particular --
A. Our --
Q. -- theme to it?
A. We do nothing but positive community news.
We are not an investigative-type newspaper at all.
Q. And what is positive community news?
A. My goal, when I took over the paper and I
purchased the paper, was to -- there's enough
negative media out there. I wanted -- my goal is to
make sure every kid in our cities have their face or
photo in the publication sometime before I retire.
Q. And how old is the publication?
A. Actually, the publication in itself was
adjudicated in 1966.
Q. And has it always had the same sort of
thrust to it?
A. No.
Q. Okay. What changes has it gone through?
A. It came -- it's evolved from a purely
political piece, making commentary within the
communities it circulated, to, others would say, a
purely fluff piece, and that's where it is now.
Q. Now, at some point you assigned, as you
said, the writing of this particular article about
Gavin Arvizo to an intern, correct?
A. Correct.
Q. And you said her name was Christie Causer;
is that right? 11649

A. That's correct.
Q. Why did you do that?
A. It is not -- there are many people within the cities I serve that need money and are facing hard times, and my -- I felt that if I did one, I would have to do many, many more. I did not want to deal with it. I thought it was a human interest story, that's something Christie could learn from doing, which was part of her being an intern, but it was something that I didn't want personally to deal with myself.
Q. And when you assigned it to Christie Causer, had you made the decision to have this article about Gavin Arvizo published?
A. No, not until her article was finished.
Q. Was it your idea that you would first see what Christie Causer wrote and then decide whether or not it's publishable?
A. Indeed. That is my job.
Q. And just directing your thoughts to just what you were thinking at the time, what made you decide to have this article written?
A. I read all copy that goes into the newspaper.
Q. Let me rephrase it. I'm not being clear. At some point, you got some information about Gavin Arvizo, right?
A. Uh-huh. 11650

Q. You thought about whether or not you wanted to assign this project to an intern, right?
A. I don't know where you're going, Counsel.
Q. I'm trying to figure out why you wanted this article written.
A. We kept getting telephone calls from Mrs. Arvizo. Mrs. Arvizo talked to my secretary.
MR. SNEDDON: I'm going to object. Excuse me. I'm going to object, unless it's based on personal knowledge, as being hearsay.
THE WITNESS: I received messages.
MR. MESEREAU: It's not offered for the truth.
MR. SNEDDON: Then it has no relevance.
THE COURT: Just a moment. I'll sustain her objection to her repeating what the secretary said.
Q. BY MR. MESEREAU: Okay. Don't repeat what your secretary said.
A. Uh-huh.
Q. But at some point, you made a decision you wanted this article created, right?
A. Indeed.
Q. And without saying what the secretary said, was it based on the fact that these calls had come in?
A. Yes.
MR. SNEDDON: Same objection. Move to strike. No personal knowledge; lack of foundation. 11651

THE COURT: Overruled. The answer was,
"Yes." Next question.
Q. BY MR. MESEREAU: Without saying what was
said, did you have a discussion with someone about
this subject matter before --
A. I just --
Q. -- before you decided that you wanted to try
and do an article about Gavin?
A. I discussed it with my secretary, and my
secretary told me --
Q. You're not allowed to say what she told you.
A. Okay.
Q. So let me just try -- we have some technical
rules we have to follow, okay?
A. All right.
Q. The calls came in, and you discussed it with
your secretary, right?
A. Yes.
Q. And after the discussion, you made the
independent decision to assign to Christie Causer
the responsibility of writing an article about the
subject, right?
A. Yes.
Q. And was a draft article written?
A. Yes. A draft article was written. I read
through the article. I questioned the amount of
money that was supposedly paid for an injection. I
questioned the fact that the money had been 11652

requested to be sent to Mrs. Arvizo at her home address. And I told Christie that was not ethical, we could not do that, and we would not have that information in the paper unless there was a trust fund that was set up or if -- and that was the only way it would be in the paper.

Q. Now, eventually did you authorize the publishing of that article?

A. Yes, I did.

Q. Okay. What was your concern about the costs of an injection?

A. My concern was that $12,000 for an injection was a little over the top. And I said, “Are you sure, Christie, that this was the amount that she said?”

She said she tape-recorded it, and she went through it again, and yes, indeed, she said $12,000 for a chemotherapy injection.

Q. Now, was the intent of the article to raise money to pay for Gavin’s medical expenses?

A. It wasn’t the intent. It was, “If you wish to do so, you may” --

Q. Okay.

A. -- type of thing.

Q. Was it your intent to provide information to readers who wanted to contribute money regarding where to send the money?

A. Yes. 11653

Q. And did you do that?
A. Yes, I did.
Q. As far as what the money was to be raised for, was it your intention that this article was to raise money purely for medical expenses?
A. The thrust -- the whole slant of the article was how expensive it was for his medical care, which is what we assumed that money was going to go toward.
Q. And did you know at the time you authorized the publishing of this article whether or not insurance was paying for Gavin's medical expenses?
A. I -- I will answer that yes, in a -- in an after-the-fact case.
Q. Let me rephrase it. I'm sorry. I'll withdraw the question.
Before you published an article that talked about raising money for Gavin, did you know whether or not insurance was paying for his medical expenses?
A. Before that? No, I did not know that.
Q. Now, did you authorize the publishing of an article which talked about $12,000 per injection for Gavin?
A. Yes, I did.
Q. And where did that information come from?
A. From Mrs. Arvizo.
MR. SNEDDON: Your Honor, I'm going to 11654

object to that as lack of foundation and hearsay.
THE COURT: Sustained.
MR. SNEDDON: Move to strike.
THE COURT: Stricken.
Q. BY MR. MESEREAU: Were there any other purposes to the publishing of this article as far as you were concerned?
A. No other, than --
Q. Did you think this was an issue of community interest like you've described?
A. Of course.
Q. Okay. And how often -- or let me rephrase that.
How many times did this article appear?
A. One time.
Q. Okay. Was there any reason why it only appeared one time?
A. Um --
MR. SNEDDON: Object as immaterial and irrelevant.
THE COURT: Overruled.
You may answer.
THE WITNESS: I found out that the child was indeed covered by insurance.
Q. BY MR. MESEREAU: To your knowledge, was any money raised through your newspaper's article?
A. Mrs. Arvizo told me that she wanted a second article because she didn't raise enough money from 11655

1 the first article, and that is why there were no
2 other articles written.
3 Q. Did you ever learn how much money was, in
4 fact, raised?
5 A. No, sir.
6 Q. Now, to your knowledge, did the intern that
7 you've mentioned, Christie Causer, actually write
8 the article?
9 A. Yes, she did.
10 Q. And did you then edit the article?
11 A. Yes, I did.
12 Q. And after you edited the article, did you
13 authorize the publication?
14 A. I did.
15 Q. Now, how often -- let me get to the year
16 2000.
17 How often was your newspaper appearing in
18 the year 2000?
19 A. Once a week.
20 Q. Does it still appear once a week?
21 A. Still once a week.
22 Q. Okay. Did you ever mention in any of your --
23 excuse me.
24 Did you ever mention in your article about
25 Gavin any information about a bank account where
26 people could contribute to?
27 A. Yes.
28 Q. And where did the information on that bank 11656

account come from?
A. I instructed Mrs. Causer that she could not use the name of Mrs. Arvizo, nor her home address to send money or funds because we would have no idea where the funds went; that we would have to have a trust account.
Approximately four days later, Christie came back to me and said that indeed the family had a trust fund.
Q. Okay. And did you mention that trust fund in the article?
A. Yes, I did.
Q. Okay. Did you ever confirm whether or not it was, in fact, a trust fund?
A. No, sir.
Q. Who told you that it was, in fact, a trust fund?
A. It was listed in the article as a trust fund and an employee of that particular bank to refer all matters to.
Q. Do you know who was a signatory on that account?
A. No, sir.
Q. Do you know if any withdrawals were ever made from that account?
A. No, sir.
Q. Do you recall ever communicating with a former attorney for Mr. Michael Jackson named Mark 11657

1 Geragos?
2 A. I wrote Mr. Geragos a letter.
3 Q. And was that approximately November 24th,
4 2003?
5 A. Approximately, yes.
6 Q. Okay. Why did you write the letter to him?
7 A. I had seen the --
8 MR. SNEDDON: Your Honor, I'm going to
9 object as immaterial, and irrelevant, and calls for
10 hearsay.
11 THE COURT: Sustained.
12 MR. MESEREAU: No further questions at this
13 time.
14 THE COURT: Cross-examine?
15
16 CROSS-EXAMINATION
17 BY MR. SNEDDON:
18 Q. Good afternoon.
19 A. Good afternoon.
20 Q. Did you have a chance to review -- is it Ms.
21 Causer? It's Ms.?
22 A. Yes. Yes.
23 Q. Missus?
24 (Continuing) -- Ms. Causer's article before
25 you came to court here today?
26 A. Not yet, but I did bring it.
27 Q. You didn't review it before you came to
28 court? 11658

A. No.
Q. Did you have a chance to review the article that you wrote in your newspaper about the experience?
A. I did not write an article. I simply --
Q. Well, you wrote an editorial?
A. Oh, I did read an editorial. No, I didn't reread my editorial, no.
Q. Are you acquainted with anybody in the Arvizo family personally?
A. No.
Q. David Arvizo, Marian Arvizo, nobody from that family?
A. No.
Q. And with regard to the article that was published in your newspaper that was initially done by the intern, Christie Causer, did you make substantial changes in the editorial process or was it basically pretty much what she wrote?
A. It's basically pretty much what she wrote, the context.
Q. And your goal as a newspaper was to attempt to put -- to emphasize the medical aspects of what was going on with Gavin at this particular point in time, correct?
A. Correct.
Q. And did you have a picture of Gavin that accompanied the article? 11659

A. Yes, we did.
Q. And it's correct, is it not, that the article, in essence, the way it -- not "in essence," the article that was eventually published after you had edited it basically dealt with Gavin's medical experiences on the whole, did it not?
A. Yes.
Q. In other words, they talked about what had happened to him in terms of the cancer and the size of the tumor and the -- what had happened to him internally, correct?
A. And how expensive it was.
Q. Well, I'm getting there. I just want to talk about, first of all, the process of the article itself.
A. Okay.
Q. Okay? And then they talked about this need for blood, correct?
A. I believe so.
Q. And they talked about the fact that the tumor weighed 16 pounds that they took out of him, correct?
A. Correct.
Q. And then they talked about his fragile condition and how high risk he was, correct?
A. Correct.
Q. And they talked about the fact that they had actually sent the tumor to research at Johns Hopkins 11660

and Cedars-Sinai to try to determine what kind of cancer it was. Do you recall that?
A. Yes, I do.
Q. And then they talked a little bit about Gavin. They talked about how -- what a great sense of humor he had, and what a great spiritual outlook he had on the whole process, correct?
A. I believe so.
Q. And then they talked about the fact that there were comedians and people in the entertainment industry who were supporting the family during this time of need, correct?
A. Correct.
Q. And they mentioned, in fact, Chris Tucker, did they not?
A. Yes.
Q. And they talked about the fact that Fritz Coleman had actually advertised on T.V. to try to raise blood for Gavin, correct?
A. I don't recall that, but --
Q. You don't recall that?
A. I just truly don't recall.
Q. Do you have the article in front of you?
A. Yes, I have it.
Q. Would it refresh your recollection if you looked at the article?
A. Okay.
Q. And I just direct you down to probably 11661

five-sixths of the way down to the bottom of the article.
A. Okay. Yes, sir. I see it.
Q. Okay. And then after that, Gavin is quoted as saying, “There are more friends than reporters,” correct?
A. Correct.
Q. And then they go on to talk about the expressions of gratitude and the fact that the family prays for helping Gavin in this particular situation, right?
A. Correct.
Q. Now, we’re almost at the end of the article, are we not?
A. Yes.
Q. We’re basically down to the last paragraph, correct?
A. Yes.
Q. And it’s only in that paragraph is there anything mentioned about the financial situation of the family; isn’t that correct?
A. True.
Q. So would it be a fair statement to say that the vast -- vast majority of this article dealt with the personal plight of Gavin and the family rather than any financial aspects of the family, correct?
A. Correct.
Q. Now, in the article it says that their car 11662

was repossessed, correct?
A. Yes.
Q. And it says that there's one chemotherapy injection that cost $12,000, correct?
A. Yes.
Q. And that's the only things mentioned about the finances for the family?
A. Uh-huh.
Q. Now, there's no mention in this article at all about the fact that they're going to lose their home, is there?
A. No.
Q. You told the jury in your direct examination that you were told that they were going to lose their home, that Miss Causer told you that?
A. No, but the secretary that doesn't exist did.
Q. Ma'am --
A. I'm sorry, I don't mean to be rude. It's just --
Q. Well, you are being, so --
MR. MESEREAU: Objection, Your Honor. Move to strike counsel's comments.
THE COURT: I'll strike --
THE WITNESS: That was the only reason --
THE COURT: Just a moment. I'm going to instruct you that you must follow the rules of evidence here -- 11663

THE WITNESS: Okay.
THE COURT: -- and not comment to the jury on your opinion of them. Do you understand?
THE WITNESS: I --
THE COURT: Just a moment. Just tell me whether you understand that or not. You are not allowed to do anything except answer the questions.
THE WITNESS: I understand that.
THE COURT: Okay. Mr. Sneddon, ask the next question.
MR. SNEDDON: Yes, sir.
Q. Did you not say on direct examination in front of this jury that you received the information with regard to the possible repossession of the house from Miss Causer?
A. Among other people, yes.
Q. That information is not in the article, is it?
A. No.
Q. Now, are you certain that Miss Causer tape-recorded this conversation?
A. I asked -- yes, I am certain.
Q. And did you review the tape of that conversation?
A. No, sir.
Q. So you never -- you did not independently review the tape before you edit -- before you applied your editorial license to the article? 11664

A. That's correct.
Q. Now, did you write an article? You said you did write an editorial later, correct?
A. Yes, I did.
Q. In the editorial you were very critical of Mrs. Arvizo, correct?
MR. MESEREAU: Objection; relevance.
THE WITNESS: I don't recall being --
THE COURT: Just a moment.
THE WITNESS: -- critical.
THE COURT: Just a moment, ma'am. You have to wait till I rule.
THE WITNESS: Oh. Oh.
THE COURT: The objection is overruled. All right. You may answer.
THE WITNESS: The question once again.
THE COURT: I'll have the question read back.
(Record read.)
THE WITNESS: I don't -- I -- I'm sort of stuck on the word "very." I was critical, but I don't know about the rest.
Q. BY MR. SNEDDON: I'll settle for that. That helps.
A. Okay.
Q. Did you say in that article that Miss Causer had taken a cooked turkey over to the Arvizo family?
A. That was my understanding, yes.
Q. Okay. You put that in the article? 11665

A. Yes, I did.
Q. Did you determine later that that was incorrect?
A. Yes.
Q. And did you put in that article that Mrs. Arvizo said that she would rather have money than the turkey?
A. Yes, I did.
Q. Did you determine that was incorrect?
A. No.
Q. Did you talk to Miss Causer about that?
A. Yes.
Q. And you know that she denies that Mrs. Arvizo ever made that statement?
A. Then it's after the fact. I don't know that.
Q. Did she tell you that when you asked her?
A. She told me that the reason she was upset was the mother said she would rather have the money instead of the food.
Q. And that's what she told you?
A. That's what she's told me. And she's not retracted it since then.
Q. She hasn't?
A. No, sir.
Q. She denies that statement today, though. You know that?
A. No, I do not. 11666

MR. MESEREAU: Objection; improper question.
MR. SNEDDON: No, I'm asking if she's aware
of that.
THE COURT: Objection sustained.
Q. BY MR. SNEDDON: Are you aware of the fact
that she has denied ever making such a statement to
you about that?
A. No.
Q. You said in your article that she was
crushed, correct?
A. Who?
Q. Cindy Causer (sic).
A. Yes.
Q. And that she was furious; is that correct?
A. That is correct.
Q. Are those the words that she used in
describing that event to you?
A. Those were the words I used when she relayed
them to me.
Q. I think the question was, were those the
words that she used to you to describe the
situation?
A. No. That was my observation.
Q. Now, you at some point contacted Kaiser,
correct?
A. I did.
Q. It was at that point that you determined
that there was medical coverage for the Arvizo 11667

family, correct?
A. Yes.
Q. And that event, in contacting Kaiser, did not occur until the allegations in this case became public; isn't that correct?
A. No, sir.
Q. They were not?
A. No. If you're speaking of still my editorial? The -- the original story and the editorial.
Q. I'm talking about when you contacted Kaiser to determine whether or not the Arvizo family had medical coverage. When did that occur? Before or after the allegations in this case became public?
A. Before.
Q. How much before?
A. Three months before -- after the original article was written, so I would say January of 2001.
Q. Now, did you -- did you ever determine whether or not the Arvizo car, the Arvizo family car, was in fact repossessed?
A. No, sir.
Q. And did you do any research into the financial background of the family in general?
A. No, sir.
Q. Did you determine whether or not the husband was employed?
A. No, sir. 11668

Q. Did you determine whether or not the husband was on disability at the time that Miss Causer did the article?
A. No, sir.
Q. Did you determine whether or not the fact that he was on disability at the time may affect whether or not the medical insurance would continue to cover the child's expenses during the time of the cancer treatment?
A. No, sir.
Q. Did you determine -- did you assume that Miss -- Mrs. Arvizo was the one who was totally in control of the trust account that was set up in the name of the child?
A. I didn't know who was in charge of the trust account.
Q. Okay. So you didn't know whether it was Mrs. Arvizo or David Arvizo, the husband?
A. Right.
Q. But when you wrote your article, you didn't mention David Arvizo, did you?
A. Not to my recollection, no.
Q. You pointed your article at Mrs. Arvizo?
A. That is who I had the dealings with.
Q. I know. But you didn't mention the husband that she was married to?
A. No.
Q. And you knew -- you knew no role what he 11669

played in the family.
A. None whatsoever.
Q. Were you aware that Mrs. Arvizo was the victim of domestic violence for 16 years in relationship with the husband?
A. No, sir.
MR. MESEREAU: Objection; relevance.
MR. SNEDDON: I think it --
THE COURT: Sustained.
MR. SNEDDON: Your Honor, can I just be heard briefly?
THE COURT: All right.
MR. SNEDDON: It goes to the credibility of the bias in the article.
THE COURT: The objection is sustained.
Q. BY MR. SNEDDON: Did you determine whether or not any other members of the children of the family had been the victims of domestic violence?
MR. MESEREAU: Objection. Beyond the scope; relevance.
THE WITNESS: No.
THE COURT: Sustained.
Q. BY MR. SNEDDON: Did you contact any of the celebrities who were mentioned in the original article by Miss Causer to get more information on the background of the family?
A. No.
Q. You didn’t contact, for instance, Fritz 11670

Coleman?
A. No.
Q. You didn't contact Chris Tucker?
A. No.
Q. Were you aware of the fact that George Lopez, the comedian, and Ann Lopez, his wife, were helping the family at the same time to raise money?
A. No.
Q. Did you ever contact them?
A. No.
Q. Were you aware that Louise Palanker had provided funds to the family at the same time?
A. No.
Q. To see whether or not -- what she knew about the family and the family's needs?
A. No.
Q. Are you familiar with a person by the name of Jamie Masada who owns The Laugh Factory?
A. I know the name.
Q. Did you contact Mr. Masada to determine what his efforts were on behalf of this family to help their plight while their son was going through cancer?
A. No.
Q. And you made no attempt to determine the husband's role in the expenditures of those funds from the trust account, correct?
A. Correct. 11671

Q. Now, the trust account information was placed in the newspaper by you?
A. I authorized its placement, yes.
Q. And it's your testimony that Miss Causer was the one who got that information?
A. Yes.
Q. And provided it to you to be printed in the paper?
A. Yes.
Q. And when Miss Causer went out to the house, she also gave the family some money, did she not, of her own?
A. She did not mention that to me.
Q. You didn't reprimand her for giving them money and saying it was against your policy?
A. No.
Q. Now, were you aware of the fact that at the time that Miss Causer was writing this article -- let me go back.
Was it your understanding that you were putting an article in the paper to enlist the community's support to assist this family during Gavin Arvizo's fight against cancer?
A. Yes.
Q. Okay. And was it your -- was it your particular understanding or at least the goal of the paper only to help raise money to offset the medical expenses? 11672

A. That's true.
Q. In other words, you didn't care whether their car was repossessed or what the other financial implications were to the family?
A. Well, I definitely care. But if money was raised for his medical expenses, then whatever moneys they were paying for medical could go to their everyday care.
Q. But your article implied to the community, did it not, that this family was suffering not only because of medical expenses but also personal hardships that resulted from Gavin's cancer, correct?
A. No.
Q. Isn't that why you put the part in there about their car being repossessed?
A. You're referring to the editorial piece.
Q. No, ma'am. I'm referring to the original article.
A. The original article says his car has been repossessed?
Q. Yes, ma'am.
A. I don't recall that either.
Q. Go ahead and look at the article. It's right down at the bottom.
A. Oh, yes.
Q. It does, does it not?
A. Yes, it does. 11673

Q. So it's informing the community of El Monte and all the surrounding cities, the six other cities, that this family not only had medical expenses associated with Gavin's illness, but they had some personal hardships, personal financial hardships, correct?
A. As a result of medical problems.
Q. Well --
A. Yeah.
Q. You assume it was a result of the medical problems?
A. Sure.
Q. Did you not assume that it could have been as a result of some of the other related problems created by the medical problem?
MR. MESEREAU: Objection; compound.
MR. SNEDDON: Let me rephrase, Your Honor.
Q. Has it been your experience that people who go through a severe medical hardship like this incur other substantial hardship expenses that are not directly related to the medical aspects of it, correct?
MR. MESEREAU: Objection. Beyond the scope; relevance.
THE COURT: Overruled.
You may answer.
THE WITNESS: I -- having been in that situation, yes. 11674

Q. BY MR. SNEDDON: And were you aware at the time that Miss Causer wrote her letter, for instance, that Gavin Arvizo, when he would come out of the hospital from his chemotherapy treatments, would have to be in a special room? Did you know that?
A. No, sir.
Q. Okay. And did you know that in that special room they had to buy a special air purifier in order to protect against infection? Did you know that?
MR. MESEREAU: Objection. Relevance; foundation.
THE COURT: Sustained.
Q. BY MR. SNEDDON: Did you know when this article was prepared that there were special hardship -- financial hardships associated with his medical treatment outside the course of the hospital?
MR. MESEREAU: Objection. Foundation; relevance; beyond the scope.
THE COURT: Overruled.
You may answer.
THE WITNESS: No.
Q. BY MR. SNEDDON: So you -- you've told us that you do believe or understand the fact that there are financial hardships not associated with the direct paying of medical costs. Did you envision that this fund could be used to offset some 11675

of those financial hardships on the family?
A. No.
Q. That was what was in your mind?
A. That was in my mind. I thought it was purely for medical reasons.
Q. Would you concede to me that a public reading this article, you having mentioned the repossession of their car, might want to give money to help for other aspects of the hardships created by Gavin's medical situation, could you not?
MR. MESEREAU: Objection. Foundation; calls for speculation.
THE COURT: Sustained.
MR. SNEDDON: No further questions.

REDIRECT EXAMINATION
BY MR. MESEREAU:
Q. Did you ever determine that the figure $12,000 for chemotherapy treatment given to your paper by Janet Arvizo was false?
A. No. Um -- no.
Q. Did she ever call up and say, "You made a typo, it's really $1200"?
A. No.
Q. Now, how many messages did she leave with your paper, if you know, about these articles?
MR. SNEDDON: Object. Calls for hearsay.
THE COURT: Foundation. Sustained. 11676

Q. BY MR. MESEREAU: Do you know how many phone calls Janet Arvizo made to your paper around the time you published the article?
MR. SNEDDON: Same objection, Your Honor.
THE COURT: You may answer that "yes" or "no."
THE WITNESS: Yes.
Q. BY MR. MESEREAU: How many?
A. Five.
MR. SNEDDON: Same objection.
THE COURT: Sustained.
Just a moment. I'm going to change my ruling on that. I'll leave the answer in, "Five."
Next question.
Q. BY MR. MESEREAU: The prosecutor asked you questions about what you were thinking when you published the article and what your intent was.
Was it your belief that the Arvizos had to spend $12,000 per chemotherapy injection for Gavin?
A. Yes.
Q. And what was your belief based upon?
A. Based upon the interview by Christie, and she had it on tape.
Q. And was it your understanding that insurance would not pay for the $12,000 cost per injection?
A. At that time, yes.
MR. SNEDDON: Your Honor, I'm going to object to that. Calls for her conclusion; 11677

speculation.
THE COURT: Sustained. Stricken.
Q. BY MR. MESEREAU: Was the intent of the article -- excuse me. Was one of the purposes of the article to raise money to pay for the $12,000 per chemo injection cost?
A. Yes.
Q. Now, the prosecutor asked you questions if you knew about Miss Arvizo's marriage. Did you think it was your obligation to dig into that?
A. No.
Q. Was there any purpose in your article to talk about Ms. Arvizo's marriage?
A. Never -- no.
Q. Was one of the purposes of the article to raise money to pay for a repossessed car?
MR. SNEDDON: Your Honor, I'm going to object as to which article he's talking about here now. It's vague as to which article. There's --
MR. MESEREAU: I'll rephrase it.
Q. Let's talk about the first article. Was one of the purposes of your newspaper publishing that article to help Janet Arvizo raise money for a repossessed car?
A. No.
Q. Let's talk about the second article. Was one of the purposes for having your newspaper publish that article the raising of money to pay for 11678

1 a repossessed car?
2 A. No.
3 Q. The prosecutor asked you questions about
4 financial hardship that comes to a family that has
5 some medical expenses, okay? Was one of the
6 purposes of your first article to raise any money to
7 pay for ancillary financial expenses of the family?
8 A. No.
9 Q. Was one of the purposes of the second
10 article you published to raise money for nonmedical
11 family expenses?
12 A. No.
13 Q. Did you ever try to ask the public to pay
14 for any nonmedical expenses of the Arvizos in any of
15 your articles?
16 A. No.
17 Q. Now, was it your understanding that the
18 original article was based upon an interview with
19 Janet?
20 A. Yes.
21 Q. Was it based upon one interview with Janet,
22 if you know?
23 A. I don't know that.
24 Q. Okay. Was it your understanding that Janet
25 had called the paper about an article?
26 A. Yes.
27 Q. And who did you learn that from?
28 A. My secretary. 11679

Q. To your knowledge, did Janet ever call the paper and want other articles published to raise money?
A. Yes.
Q. How many times did she do that, if you know?
MR. SNEDDON: Object. Asked and answered.
MR. MESEREAU: I think I limited it to raising money, Your Honor.
THE COURT: I think the last question was how many times she'd called totally, so I'll sustain the objection.
MR. MESEREAU: Okay.
Q. To your knowledge, how many times did Janet Arvizo call your newspaper for the purpose of raising money?
A. I have no way of gauging that, Counsel.
Q. Okay. And other than Christie Causer and your secretary, do you know if anyone else associated with your newspaper ever spoke to Janet?
A. No.
Q. Okay. How large a staff did your newspaper have at the time?
A. At the time, three.
Q. Okay. And when you published your newspaper in 2003, approximately how many articles would you devote to this topic?
A. Very, very, very, very -- almost none to a family-in-need article. 11680

Q. Okay. And if you know, which page was the article published on?
A. It was on front page.
Q. Was there any reason for that?
A. I think the story tugged at your heart strings. The child's face, beautiful.
Q. Now, you said that Janet complained that not enough money was raised from the first article, right?
A. Yes.
Q. Did she complain to you?
A. Yes.
Q. Did she call you at the paper?
A. Yes.
Q. How long was that conversation?
A. The conversation was approximately one minute and 20 seconds.
Q. Why?
A. Because I didn't want to talk to her.
Q. How come?
A. Because I had already established the fact that I had been duped.
MR. MESEREAU: No further questions.

RECROSS-EXAMINATION
BY MR. SNEDDON:
Q. Are you telling us that the conversation you had with Miss Arvizo was three months after the 11681

1 publication of the first article?
2 A. She wanted what --
3 Q. No, I'm asking you a very specific question.
4 A. Okay. I'll listen again.
5 MR. SNEDDON: Maybe the court reporter could
6 read it back, Your Honor.
7 THE COURT: All right.
8 (Record read.)
9 THE WITNESS: Approximately, yes.
10 Q. BY MR. SNEDDON: Was three months later?
11 A. Yes.
12 Q. After you'd already called Kaiser?
13 A. Yes.
14 Q. And did you have a conversation with
15 Miss Causer and ask her whether or not she could
16 have made a mistake about the $12,000 and it really
17 could have been $1200?
18 A. Yes.
19 Q. Did you go back and verify that?
20 A. I asked Mrs. Causer to verify it on her
21 tape.
22 Q. No, I think --
23 A. Oh, okay.
24 Q. Let me make it clearer for you.
25 After you determined from calling Kaiser --
26 well, first of all, you drew the conclusion you'd
27 been duped because you determined that full medical
28 coverage was being taken care of by Kaiser, correct? 11682

A. Correct.
Q. But you made none of the inquiries I asked about before. You didn't check to see whether or not the insurance may have been jeopardy. Did you do that?
A. No, sir.
Q. Okay. And the reason that you feel that you were duped is because you felt, in your mind, that the money only should have been used to pay for the direct medical costs, correct?
A. Correct.
Q. And yet, the article itself says nothing about where the money -- how the money is going to be expended, does it?
A. No.
Q. Okay. So the article, to somebody reading it in the public who didn't know your mindset, would not be able to determine from that that the money had to go directly into the direct medical expenses for Gavin Arvizo, would it?
A. No. You're right.
MR. SNEDDON: Thank you. I'll quit while I'm ahead.
MR. MESEREAU: Move to strike his comments.
THE COURT: Stricken.
MR. MESEREAU: No further questions.
THE COURT: All right. Thank you. You may step down. 11683

All right. We'll recess until tomorrow.
8:30.
(The proceedings adjourned at 2:30 p.m.)
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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify: That the foregoing pages 11544 through 11684 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on May 23, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California,
May 23, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
OFFICIAL COURT REPORTER